

The number of doses for acute pain fell to just under 17 million in 2017, from a high of 31.2 million in 2012. The average prescription also fell from 8.37 days to 7.1 days.

County-level data is also available from the Board of Pharmacy.

The Ohio State Medical Association said doctors have been working to reduce the number of opioid painkillers given to patients.

"Ohio physicians for this entire decade have dedicated themselves to being part of the solution to the opioid epidemic which has gripped our state and we're seeing the positive effects of that commitment," OSMA spokesman Reggie Fields said in a statement. "Through better pain management treatment efforts and clearer state rules and guidelines, physicians are better equipped to make appropriate decisions when it is necessary to prescribe an opioid."

The OSMA pointed to its Smart Rx program, designed to educate prescribers about the safe use of opioids.

"Still, more work needs to be done to reduce the number of opioids dispensed and Ohio physicians remain committed to providing high-quality medical care that is safe and in the best interest of patients," he said.

DeWine Sues Monsanto, Crew SC Operator/Investor And MLS

Attorney General Mike DeWine on Monday announced the filing of two lawsuits - one against a multinational agrochemical company and another designed to halt the possible move of the Columbus Crew.

Filed in Hamilton County Common Pleas Court, Mr. DeWine accuses Monsanto of producing and selling polychlorinated biphenyls from 1929 to 1977 despite knowing the risk the chemical compound posed to humans.

"Ohioans deserve to enjoy their natural resources without contamination from these toxic chemicals, and we believe Monsanto should be held responsible for the damage it caused," the gubernatorial candidate said in a statement. "Our goal in taking this action is to protect Ohio, its citizens, and its natural resources."

The company did not respond to a request for comment on the lawsuit by publication time.

PCBs were used in paints, inks, caulks, sealants, lubricants, electrical equipment and carbonless copy paper, according to the lawsuit.

The chemical compound builds up in living things and contaminates the food chain. In humans, PCBs are associated with cancer, skin and eye disorders, reduced birth weight and liver damage.

The contamination has also been found in fish, soil, plants and the air, the lawsuit alleged.

Despite learning of the toxicity of the chemical in the 1930, the company continued to use the product, according to the lawsuit, which alleges Monsanto was negligent and created a public nuisance through its manufacture, distribution and sale of PCBs.

The lawsuit seeks compensation and damages to investigate and remove PCBs from the state's natural resources.

Crew Lawsuit: Mr. DeWine also filed a lawsuit against Precourt Sports Ventures and Major League Soccer to stave off the soccer club's move to Austin.

The lawsuit is based on the "the Art Modell law," which states that an Ohio professional sports team that uses a "tax-supported facility" and receives financial assistance from the state or a political subdivision cannot relocate without an agreement with the political subdivision. It also must give the political subdivision or any group of individuals who reside in the area an opportunity to buy the team.

Among the allegations in the lawsuit is that the franchise accepted \$5 million in state funds for improvements to parking facilities, the land on which its home stadium sits is exempt from property taxes and the land is leased at below-market rate.

"Loyal Crew fans in Columbus have invested their time and loyalty in this team, and they have allowed the Crew SC to capitalize from financial incentives paid for by their tax dollars. I am left with no other choice than to file this suit to ensure our laws are followed," Mr. DeWine said.

The franchise did not return a call seeking comment by publication time.

AG DeWine was joined in the lawsuit by the city of Columbus.

"Just as importantly, the team plays in a taxpayer-supported facility, and Precourt Sports Ventures and Major League Soccer have accepted financial assistance from the state of Ohio and the City of Columbus. State law provides us with this protection," Mayor Andrew Ginther said.

The lawsuit, filed in Franklin County Common Pleas Court, was the brainchild of Rep. Mike Duffey (R-Worthington). (See Gongwer Ohio Report, December 6, 2017)

"I am very pleased that our state's top law enforcement officer is vigorously enforcing longstanding Ohio law," he said in a statement. "The Crew SC is our team. Our town. Neither the MLS or Precourt Sports Ventures can operate above Ohio law."

Planned Updates To Give Farmers New Tool In Curbing Phosphorus Runoff

Upcoming improvements to a key tool could provide farmers with more real-time, actionable data on phosphorus runoff coming from their farms.

Called the Ohio Phosphorus Risk Index, the resource is facilitated by the U.S. Department of Agriculture and is soon slated for a host of upgrades that farmers and environmental groups in Ohio say will provide one more asset toward curbing phosphorous runoff.

"The idea is you'll put in real actual data and so you will get really specific information then on how to make use of that data," Ohio Farm Bureau spokesman Joe Cornely said in an interview. "And that's crucial because every farm is different - the soil type, the management practices, the type of nutrients."

The tool is aimed at assisting farmers in gauging their risk for phosphorus runoff. That runoff can degrade surface water quality and contributed to harmful algal blooms.

"Providing farmers with tools to be more efficient and environmentally conscious will help their businesses and their watershed," said Peter Bucher, water resources director for the Ohio Environmental Council. "Further identifying what works best at reducing nutrient runoff will allow more farmers to implement the appropriate practices for their property."

The new index is years in the making and is thanks to a project led by Elizabeth Dayton, a researcher in Ohio State University's College of Food, Agricultural and Environmental Sciences. The project was funded through a \$1 million USDA Conservation Innovation Grant and \$1 million in matching donations from Ohio farmer groups.

"The index provides a long-term, average estimate of field-scale phosphorus loss based on farmer specific inputs," Ms. Dayton said. "It gives farmers the ability to compare crop management scenarios and evaluate changes in phosphorus runoff, allowing them to prioritize time and resources when making management decisions."

The tool also helps put Ohio's goal to reduce phosphorus levels in Lake Erie by 40% by 2025 within reach, Ms. Dayton said. (See Gongwer Ohio Report, February 13, 2017)

"The index quantifies how voluntary changes in agricultural practices contribute to achieving target phosphorus runoff reduction goals," she added. "If you multiply that by the millions of crop acres in Ohio, the 40% reduction target appears achievable."

Mr. Cornely said solving the issue of phosphorus levels will "take a whole toolbox."

"And this is one more tool to go in that box," he said. "So when you look at this as it's employed in conjunction with other tools - some that exist, some still being in development - this is one good piece of that arsenal we need to fix the problem."

After harmful algal bloom activity in 2017 tied the third worst season on record, the United States Environmental Protection Agency is moving to reconsider whether Lake

Erie's western basin should be classified as impaired. (See Gongwer Ohio Report, January 22, 2018)

The Ohio Environmental Protection Agency has touted record spending on water quality projects in 2017, although advocates said more resources are needed. (See Gongwer Ohio Report, December 27, 2017)

House District 83: Former Nurse, Business Leader Face Off In GOP Primary

Republican contenders for the 83rd House District seat each say they can bring a unique perspective to the General Assembly thanks to their respective expertise in the medical and business fields.

Cheryl Buckland, a member of the Ohio Republican Party's State Central and Executive Committee, and Jon Cross, CEO of the Hardin County Chamber and Business Alliance, are vying to succeed Rep. Robert Sprague (R-Findlay), who is running for state treasurer.

Ms. Buckland, 63, was appointed to the ORP's leadership committee in 2013 and has been elected twice since then. A self-described "non-traditional candidate," she's spent four decades working at skilled nursing facilities, teaching nursing students and operating her own extended care facility.

"We have not had a nurse in the General Assembly since 2010," Ms. Buckland said. "With all due respect, we have a lot of people making healthcare decisions without a healthcare background.... I feel I can be a voice for every healthcare discipline."

Mr. Cross, 38, has a background in commercial real estate. He's held the top job at the Hardin County chamber since 2014 and before that spent several stints dabbling in politics in Kansas, California and Texas. In addition to some northeast Ohio campaigns, he also spent a two-year span as an advance man for then-California Gov. Arnold Schwarzenegger.

It's his current role, however, that he says gives him an up close look at Ohio's competitiveness with other states and places him on the front lines of drawing and keeping businesses in the Buckeye State.

"Every day as an economic development director, I'm responsible for helping to attract new businesses to our community and our region and helping existing companies with their current demands," Mr. Cross said. "So I think I bring a unique perspective to understanding what it takes to attract a business to Ohio or keep a business open and successful in Ohio."

When it comes to the forthcoming race for House speaker shaping up between Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford), both candidates declined to publicly weigh in at this point.

"Right now that's my focus: the primary," Ms. Buckland said. "I know both the gentlemen and I'm happy to make a declaration of support when that's necessary."

And although he said he's met with both speaker candidates, Mr. Cross echoed that sentiment. "My philosophy has been I have to win my race first," he said.

But there are plenty of other areas in which the candidates remain at odds. Mr. Cross in particular has questioned whether his opponent shares true conservative principles.

"I'm a proud Republican who supports our president," Mr. Cross said. "I'm a strong pro-life advocate. I will do anything I can to help save and protect human life. I don't believe my opponent is."

Ms. Buckland denied any claim that she doesn't support life. Still, she said her medical background has given her the ability to emotionally detach from the issue.

"As a health professional I've been trained to put my personal feelings aside and look at what is in the best interest of the patient," Ms. Buckland said. "When we look at issues that create such an emotional response in people what I can do is come to the table and get pragmatic answers. I support life, I respect death but I'm also very pragmatic and an objective thinker."

Although she supports life in healthcare and abortion-related matters, she also questioned whether politicians have inserted themselves too far into the patient-doctor relationship.

She lists her priorities if elected as advocating for farmers, steering health policy and supporting efforts to curb the opioid epidemic - an issue she saw firsthand through the addiction of her grandson. She described herself as an "out-of-the-box thinker" who can bring a new perspective to the drug fight.

"I know what I know and what I know I know very well but I'm not an expert in everything," Ms. Buckland said. "I would like to be a voice when we look at our entitlement programs - not unlike the drug crisis - and say are we spending the right dollars in the right places?"

She and her husband sold their extended care facility in 2008, but she said the experience running a business will give her valuable insight to carry into the Statehouse. She said her world travel would also be an asset - including stays in Africa, El Salvador, Russia as well as time spent delivering Polio vaccines in Portugal.

Mr. Cross said his desire to tackle issues from the business perspective easily ties into other pressing challenges facing the state, including workforce development, educational attainment, opioid addiction and adequately funding local communities.

"My largest overarching campaign platform is to make Ohio and the 83rd District safer, stronger and open for business," he said. "How do we get better and how do we

compete and how do we make sure policies are not driving people, business, education out of the state?"

His experience across the country, he said, showed him a new perspective on where Ohio stands in business friendliness compared to other states. He wants to be a voice for businesses large and small and is a strong defender of the 2nd Amendment, he said.

"We want to make sure rural America, rural Ohio, where you have large corporations to family farms, that perspective is brought into the conversation and policy decisions," Mr. Cross said.

Ms. Buckland and her husband, Larry, have seven stepchildren, 15 grandchildren and 15 great-grandchildren. Among her talents, she lists flamenco and tap dancing.

Mr. Cross, when he's not eating pizza and burgers on the campaign trail, enjoys spending time with his wife, Christina, and playing sports with his two sons, ages 3 and 7.

The winner of the Republican nomination will likely face Democrat Ashley Philipp of McComb who is running unopposed in the primary.

Subscribers Note: This story is part of a series focusing on key primary races for Ohio legislative seats. See Gongwer's Election Page for more information on 2018 contests, including our Key Races.

Rover, OEPA Clash Over Landslides, Detected Chemical Traces

The Ohio Environmental Protection Agency and Rover Pipeline builders continue to lock horns - this time engaging in a contentious back-and-forth over several land slips posing "serious threat to environmental resources."

The OEPA is also requesting new tests after the presence of a manufactured chemical, tetrachloroethene, was found in some drilling returns in Stark County.

The two issues are the latest battle grounds in the ongoing dispute between the two entities - which is simultaneously playing out in an ongoing court case in Stark County. (See Gongwer Ohio Report, February 5, 2018)

The landslip issue came to the forefront last month when Rover Pipeline LLC requested the Federal Energy Regulatory Commission approve temporary workspace for it to repair 28 landslips in Ohio and West Virginia.

But the OEPA, in a subsequent missive to FERC said the company's online filing was the first notice the agency received of the situation and blasted the company for failing to adequately notify the state.

"Ohio EPA is concerned that Rover and FERC did not immediately bring to our attention what Rover now describes as 'a serious threat to sensitive environmental resources,'" OEPA wrote. "Instead of trying to work around Ohio, we again call on Rover to be forthright and provide us with information so we can ensure the environment and citizens are protected."

Rover, meanwhile, argues the state is attempting to besmirch the company in order to gain more leverage in Ohio's ongoing lawsuit. And it accuses state regulators of not fully reading the company's filings in its "haste to cast aspersions."

"Ohio EPA's letter is the latest in a string of baseless claims regarding Rover that attempt to denigrate Rover to advance its own litigation position," Rover's response reads. "Notwithstanding that Ohio EPA does not have jurisdiction in this matter, Rover, on a voluntary basis, has cooperated with Ohio EPA regarding all of its inquiries irrespective of jurisdiction, including on potential impacts from Rover's construction activities."

The OEPA has accused the company of claiming the state has no role in protecting its own environment - an idea the agency called "absurd."

The agency wrote that it "absolutely" expects "to be informed of these troubling threats" and involved in "permitting of any potential impacts to streams and wetlands."

"Moreover, where impacts have occurred, Rover needs to clearly gain our approval of actions to minimize impacts and repair the damage they have done," OEPA added.

The ongoing tiff over those land slips is just one of the conflicts the parties are engaged in. Another dispute arising in recent week centers on the presence of tetrachloroethene or PCE in some drilling fluid returns along the Tuscarawas River.

PCE is a liquid chemical that in high levels is thought to headaches, dizziness, unconsciousness and other effects and it is considered by the government as a potential carcinogen, according to the Ohio Department of Health.

The chemical levels detected in Rover returns registered below the U.S. Environmental Protection Agency's regional screening risk level for direct contact, according to the OEPA, but levels clocked in above the screening threshold of soil leaching to groundwater.

As a result, OEPA asked federal regulators to force Rover to conduct additional sampling along with a separate sampling of drilling fluid source water in an effort to pinpoint the PCE's point of origin.

"These additional samples should be taken immediately and the results submitted to our attention for further evaluation," OEPA wrote.

Rover, in turn, argues that PCE is a "prominent contaminant in the environment" and that Ohio has reported multiple instances of detections in the environment in circumstances not affiliated with the project. The company characterized the levels were "minor and non-hazardous."

"Ohio EPA has documented impacts of PCE contamination in the waters of the state and engaged in several initiatives to achieve attainment," Rover said. "Accordingly, Ohio EPA's new-found concerns are as spurious as they are disingenuous."

New Member Profile: Rep. McClain Follows In Father's Footsteps

Rep. McClain has worked in business and currently serves as director of finance and customer service for Doc Investments LLC, an online precious metals retailer. The metals retailer was designed to emphasize a low-cost retail model.

"I'm pretty experienced with the changing of what the business market looks like with online retail and some of the opportunities that go along with that," he said.

As state representative, he hopes to focus on policies that will help build small businesses.

Rep. McClain said another important focus for him is on policies that help families. Rep. McClain and his wife have been married for more than 10 years and have three children, ages 2, 4 and 8.

"I'm about Ohio families," he said. "I value the family structure greatly and what that does in setting kids up, and Ohio up, our communities up for greatness."

Promoting families can help communities deal with issues and help each other, he said.

"I want to be an advocate for families taking care of each other, being good stewards of our children and being able to foster environments where people have the resources they need to find the help that they need in their own communities and foster a culture of people helping people," he said.

Rep. McClain said he spends a lot of his time outside of work with his children and family as well as remodeling his house.

He holds a bachelor's degree from Bluffton University and a Master of Business Administration from the University of Findlay.

At Bluffton, Rep. McClain was on the baseball team, playing several positions including shortstop, outfield and pitcher. One summer he traveled Europe with Athletes in Action, a ministry of Campus Crusade for Christ. The team played clubs in France, Germany and the Czech Republic, while also doing ministry activities with children and at camps.

"It was almost a barnstorming tour to spread baseball in Europe," he said.

Although he's familiar with the work of the House after seeing his father's experience, Rep. McClain said he hopes to prove himself and find ways to contribute, he said.

"The hat's on my head now and I'm moving forward to do everything I can to be responsive," he said.

Politics Notebook: Buckeye Institute Highlights Capital Budget 'Pork'; Taylor Picks Up Endorsement; Schiavoni Releases New Ad; Balderson Touts War Chest

The Buckeye Institute on Monday unveiled its Top 10 Worst Capital Budget Requests of 2018.

All told, the projects highlighted by the Buckeye Institute total more than \$18 million, according to the report.

Among the projects singled out is \$4 million for a Major League Soccer stadium in Cincinnati, \$2.5 million to expand the Cleveland Museum of Natural History and \$5 million for the COSI Connection Corridor.

"If these, and other pork projects in the budget, were funded using local or private dollars, as they should be, Ohio could have at least \$85 million more that it could spend on pressing state priorities, save, or better yet, return to taxpayers," Greg R. Lawson, research fellow at Institute, said in a statement.

Mr. Lawson also lamented the lack of funding for strengthening the state's physical and democratic infrastructure.

"Policymakers should do more to heed our call to focus the capital budget on strengthening Ohio's physical and democratic infrastructure and move away from projects of predominately local interest," he said. "Simply put, it is hard to see how it benefits someone in Youngstown for Cincinnati to get a soccer stadium or how people in Cleveland benefit from renovations to COSI."

Taylor Endorsement: Lt. Gov. Mary Taylor on Monday picked up an endorsement in her gubernatorial bid in the form of U.S. Sen. Steve Daines (R-Mont.).

In announcing his endorsement, Mr. Daines said he has known Ms. Taylor's running mate, Nathan Estruth, for many years.

"Lt. Governor Mary Taylor is a conservative who has and will continue to challenge the status quo establishment in Ohio. It is important to elect leaders in states across the country - and especially in the swing state of Ohio - who will fight for a bold conservative agenda alongside the people's representatives in Washington," he said in a statement.

"We need more private sector experience and principled conservatives to tame the over-reach of government at the federal and state levels, and the Mary Taylor/Nathan Estruth ticket are the only ones in either party who bring that for the people of Ohio."

Added Ms. Taylor in a statement: "Senator Daines' support today and over the next 68 days adds to our growing momentum as conservatives across Ohio and the country rally around my campaign as the true conservative in this race."

New Ad: Sen. Joe Schiavoni (D-Boardman) is out with a new ad in which he highlights his desire to create opportunities for future generations.

The 30-second spot, "For Them," features Sen. Schiavoni's family, including his two children.

"As a parent, everything you do is for them. The simple lessons, the big decisions, you want them to succeed," he says in the ad. "But you worry - what opportunities will be there for them?"

Balderson Warchest: The congressional campaign of Sen. Troy Balderson on Monday announced that it has raised \$300,000 in the eight weeks since the Zanesville Republican officially entered the race.

"This campaign has had non-stop momentum since day one, and I could not be more grateful to the many contributors of this effort," he said in a statement. "So many people from my Senate District and throughout Central Ohio have asked to be a part of our campaign because they know that my conservative record makes me the best candidate to help fix a broken Washington."

Supplemental Agency Calendar

Thursday, March 15

Criminal Sentencing Commission, 31st Fl., 77 S. High St., Columbus, 10 a.m.

Supplemental Event Planner

Tuesday, March 6

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m.,
(Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

Wednesday, March 7

Ohioans to Stop Execution news conference on clemency hearing, Ladies Gallery, Statehouse,
Columbus, 10 a.m.

Monday, March 12

Sen. Steve Wilson (R-Maineville) fundraiser, Queen City Club, 331 E. Fourth Street, Cincinnati, 5
p.m., (Host: \$5,000 | Sponsor: \$2,500 | Supporter: \$1,000 | Attendee: \$500 to Steve Wilson for
Ohio)

Tuesday, March 13

Rep. Anne Gonzales (R-Westerville) fundraiser, The Keep, 50 W. Broad Street, Columbus, 4:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Anne Gonzales)
Sen. Stephanie Kunze (R-Hilliard) & Rep. Mike Duffey (R-Worthington) fundraiser, Pins Mechanical Co., 6558 Riverside Drive, Dublin, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Stephanie Kunze and/or Citizens for Duffey)

Wednesday, March 14

Sen. Bill Coley (R-Liberty Twp.) fundraiser, Pub Mahone, 31 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Friends of Bill Coley)

Tuesday, March 20

Sen. Bob Hackett (R-London) & Sen. Lou Terhar (R-Cincinnati) fundraiser, Athletic Club of Columbus - Gold, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Hackett for Ohio and/or Friends of Lou Terhar)

Wednesday, March 21

Sen. President Larry Obhof (R-Medina) fundraiser, Athletic Club of Columbus - Crystal, 136 E. Broad Street, Columbus, 7:30 a.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for Obhof)

Tuesday, April 10

Sen. Gayle Manning (R-N. Ridgeville) & Sen. Stephanie Kunze (R-Hilliard) fundraiser, Buckeye Bourbon House, 36 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Committee to Elect Gayle Manning and/or Citizens for Stephanie Kunze)

Wednesday, April 11

Sen. Bob Peterson (R-Sabina) & Sen. Steve Wilson (R-Maineville) fundraiser, Athletic Club of Columbus - Lounge, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Peterson for Good Government and/or Steve Wilson for Ohio)

Tuesday, April 17

Sen. Scott Oelslager (R-N. Canton) & Sen. Frank Hoagland (R-Adena) fundraiser, Athletic Club of Columbus - 136 E. Broad Street, Columbus, 5 p.m., (Checks to Oelslager for Ohio Committee and/or Hoagland for Ohio)

Wednesday, April 18

Ohio University State Government Alumni Luncheon, Athletic Club, 136 E. Broad St., Columbus, 11:30 a.m., (Social: 11:30 am; Luncheon: 12 pm)

Sen. Jay Hottinger (R-Newark) & Sen. Matt Dolan (R-Chagrin Falls) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Hottinger and/or Friends of Matt Dolan)

Tuesday, April 24

**Rep. Andy Brenner (R-Powell) fundraiser, Athletic Club of Columbus - Parlor A/B, 136 E. Broad Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Brenner for Ohio)
Sen. Matt Huffman (R-Lima) & Sen. John Eklund (R-Chardon) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Matt Huffman for Ohio and/or Friends of John Eklund)**

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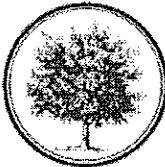
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From: The Buckeye Institute
Sent: Tuesday, March 6, 2018 10:52 AM
To: Rep48
Subject: The Buckeye Institute: Ohio's 2018 Capital Budget Riddled with Too Many Special Interest Requests

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FOR IMMEDIATE RELEASE
March 6, 2018

The Buckeye Institute: Ohio's 2018 Capital Budget Riddled with Too Many Special Interest Requests

Greg Lawson Testifies Before Ohio Finance Committee on House Bill 529

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio House Finance Committee on House Bill 529, Ohio's 2018 capital budget.

In opening his testimony, Lawson recognized that in many ways Ohio's capital budget adheres to Buckeye's spending principles, which were outlined in ***Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans***. The report "encouraged policymakers to be guided by three spending principles: constrain the growth of government, eliminate

corporate and special interest welfare, and focus on strengthening Ohio's physical and democratic infrastructures."

Although policymakers have allocated money to strengthen Ohio's democratic infrastructure in separate legislation, Lawson noted "the capital budget was not then reduced to maintain spending balance-and it should have been."

Of the capital budget overall, Lawson expressed concern "that this budget, like others before, remains riddled with too many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure."

In highlighting the special interest projects, Lawson drew special attention to the 10 that made Buckeye's **Top 10 Worst Capital Budget Requests of 2018**, saying, "We highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader statewide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers."

Lawson went on to say, "Ultimately, of course, local residents and local taxpayers should have every opportunity to voluntarily choose to fund amphitheaters, performance stages, parks, zoos, and even stadiums out of their own local resources. But Cleveland residents should not be compelled-through state taxes-to pay for the Columbus Zoo, nor should Youngstown residents be made to pay for a soccer venue in Cincinnati."

#

**Interested Party Testimony on House Bill 529
Before the Ohio House Finance Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 6, 2018**

Chairman Smith, Vice Chair Ryan, Ranking Member Cera, and members of the Committee, thank you for the opportunity to testify today regarding the Capital Budget.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, a free-market think tank here in Columbus that advocates for low-tax, low-regulation policies that remove barriers to prosperity for Ohioans.

On February 5, The Buckeye Institute released its report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, which outlined ways to keep Ohio's capital budget focused on principled government spending.^[1] Our report encouraged policymakers to be guided by three spending principles: constrain the growth of government, eliminate corporate and special interest welfare, and focus on strengthening Ohio's physical and democratic infrastructures.

In many ways, Ohio's \$2.62 billion budget adheres to these basic principles, but we are concerned that this budget, like others before, remains riddled with too many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure.

The Buckeye Institute has just released its Top 10 Worst Capital Budget Requests of 2018,^[2] in which we highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader state-wide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers.

Regrettably, examples of non-essential government spending abound. The \$5 million to build retail and restaurant space at COSI in Columbus-not essential government spending. The \$1 million for orangutan and elephant exhibits at the Columbus Zoo-already subsidized by Franklin County property owners-not essential government spending. The \$800,000 to install splash pads around the state-not essential government spending. And the \$4 million slated for a soccer stadium in Cincinnati-not essential government spending and not likely to live up to the economic hype. As the St. Louis Federal Reserve concluded last year:

Consumers who spend money on sporting events would likely spend the money on other forms of entertainment, which has a similar economic impact. Rather than subsidizing sports stadiums, governments could finance other projects such as infrastructure or education that have the potential to increase productivity and promote economic growth.^[3]

Ultimately, of course, local residents and local taxpayers should have every opportunity to voluntarily choose to fund amphitheaters, performance stages, parks, zoos, and even

stadiums out of their own local resources. But Cleveland residents should not be compelled-through state taxes-to pay for the Columbus Zoo, nor should Youngstown residents be made to pay for a soccer venue in Cincinnati.

Then there is the \$400,000 appropriation to build several government-owned broadband networks across the state. As I outlined recently in *Broadband "GON" Wrong*,[4] private-sector players have already deployed billions of dollars developing state-of-the-art technology to nimbly respond to consumer demands and preferences, while these government-owned networks have proven unable to pay for themselves, leaving taxpayers to pay for networks that few consumers even want to use.

That communities are asking for state money in the capital budget indicates that these networks all too frequently fail to live up to the promises made by government officials, and often lead to further taxpayer subsidies to maintain operations.

Many of the other local projects are not inherently misguided, but insofar as they provide only narrow local benefits and do not strengthen Ohio's physical infrastructure, state policymakers should remove them from the capital budget. Those funds should instead be spent on Ohio's pressing needs, such as building and maintaining water and sewer systems, and state roads.

We are also disappointed that this capital budget will not strengthen the state's democratic infrastructure, including, for example, replacing Ohio's aging voting machines. Such funding appears allocated in separate legislation, but the capital budget was not then reduced to maintain spending balance-and it should have been.

Finally, and perhaps most critically, policymakers must remember that a lack of fiscal restraint, even during good economic times, unwittingly creates unrealistic spending expectations over time. Using the capital budget to fund local projects rather than state priorities will only make it harder for policymakers to curb and manage state spending when tough economic times inevitably arrive.

Today, even as the state budget looks solidly in the black, the danger of recession and fiscal instability still lurks. Recall, for instance, how unforeseen challenges required immediate and multiple adjustments to the last biennial budget due to lower than expected revenues. Prudence cautions against the tempting but non-essential government spending included in this capital budget. For the sake of Ohio taxpayers, such temptation must be resisted.

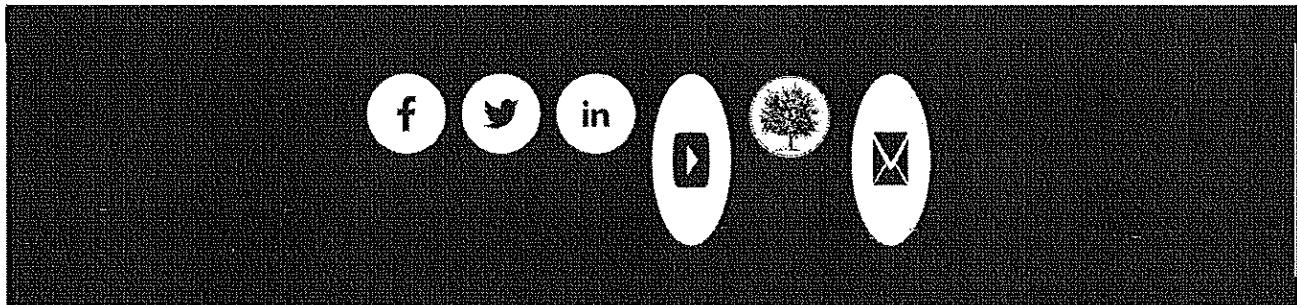
Thank you and I look forward to answering any questions that the Committee may have at this time.

- [1] Greg R. Lawson and Quinn Beeson, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, The Buckeye Institute, February 5, 2018.
- [2] **More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests**, The Buckeye Institute press release, March 5, 2018.
- [3] Scott A. Wolla, *The Economics of Subsidizing Sports Stadiums*, Federal Reserve Bank of St. Louis, May 2017.
- [4] Greg R. Lawson, *Broadband "GONE" Wrong: Remembering Why Government-Owned Broadband Networks are Bad for Taxpayers*, The Buckeye Institute, February 14, 2018.

#

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Subject: Join HPIO for an online seminar on connections between income and health

Online seminar

Connections between income and health



The logo for the Health Policy Institute of Ohio (hpio) features the lowercase letters "hpio" in a bold, sans-serif font. To the right of the letters is a stylized sunburst or starburst graphic composed of several short, dark lines radiating from a central point.

When

Friday, April 6, 2018 from 12:00 PM to 1:00 PM EDT

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Where

This is an online event.

Please register to attend this event. Follow the instructions in your confirmation email to sign up for the webinar using the GoToWebinar website.

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More than a century of research has found strong connections between income and health. As a group, people with higher incomes live longer and experience better mental and physical health outcomes. Understanding how income influences health can inform policies, programs and resource allocation to improve both the health and economic wellbeing of Ohioans.

From 12 p.m. to 1 p.m. on Friday, April 6, the Health Policy Institute of Ohio will host a webinar to share highlights from a recent publication, **Connections between Income and Health**. A panel of experts will discuss current state-level initiatives to improve incomes and employment opportunities for Ohioans.

Speakers include:

- › **Michael Evans**, Project Manager, Ohio Governor's Office of Workforce Transformation
- › **Greg R. Lawson**, Research Fellow, The Buckeye Institute
- › **Zach Reat**, Health Policy Analyst, Health Policy Institute of Ohio
- › **Kalitha Williams**, Policy Liaison, Policy Matters Ohio

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After you register for the event you will receive an email confirmation with the webinar link and login credentials. You will need to sign up for the webinar using the GoToWebinar website to be able to view the webinar on 4/6/2018. If you have questions or need assistance, please contact Alana Clark-Kirk, aclarkkirk@hpio.net.

Sincerely,

Alana Clark-Kirk
Health Policy Institute of Ohio
aclarkkirk@healthpolicyohio.org
614-545-0755

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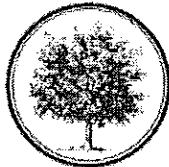


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FOR IMMEDIATE RELEASE
March 7, 2018

The Buckeye Institute: Ohio's Constitution is a Foundational Document, Not a List of Policy Choices

*Greg Lawson Testifies Before Ohio House Government
Accountability and Oversight Committee on House Bill 506*

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio House Government Accountability and Oversight Committee on House Bill 506.

In his testimony, Lawson drew attention to a growing problem in Ohio -- special interests pursuing constitutional amendment referendums in order to circumvent the legislature or force the legislature to consider legislation that they might not otherwise take up. In this

instance, House Bill 506, which was introduced to head off a referendum governing high volume dog breeders.

Of this practice Lawson said, "Bills like this one [House Bill 506] have lately percolated through the General Assembly as strategic alternatives to political maneuvers orchestrated by well-funded special interests that would otherwise seek to amend the Ohio Constitution and encumber our most fundamental governing document with countless rules and regulations."

Noting that Ohio's Constitution is a "foundational document" Lawson said of this strategy by special interests "The...strategy is clever and remarkably effective, but it must be resisted. The General Assembly must not be muscled by special interest groups threatening unnecessary amendments to the state constitution unless their legislative demands are met. Such threats aim a dagger at the heart of our constitutional form of self-government."

#

**Interested Party Testimony on House Bill 506
Before the Ohio House Government Accountability and Oversight Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute**

= A

March 7, 2018

Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the Committee, thank you for the opportunity to testify today regarding House Bill 506 and the Ohio Constitution.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, a free-market think tank here in Columbus that advocates for low-tax, low-regulation policies that remove barriers to prosperity for Ohioans.

House Bill 506 would codify new rules for dog breeders. Fair enough. However, I am not here today to testify about dog breeders or their rules. I am here instead because House Bill 506 is before this Committee as part of a troubling new breed of preemptive legislation, a trend propounded by various special interest groups -- in this case, dog breeders -- designed to force constitutional amendments or preemptive laws that the legislature might not otherwise take up. The sponsor of House Bill 506 acknowledged as much several weeks ago.

Dog breeders and the merits of this particular legislation aside, bills like this one have lately percolated through the General Assembly as strategic alternatives to political maneuvers orchestrated by well-funded special interests that would otherwise seek to amend the Ohio Constitution and encumber our most fundamental governing document with countless rules and regulations. Thus, in this instance, House Bill 506 comes before the Committee so that Ohio's Constitution will not include an amendment for dog breeders.

The special interests' strategy is clever and remarkably effective, but it must be resisted. The General Assembly must not be muscled by special interest groups threatening unnecessary amendments to the state constitution unless their legislative demands are met. Such threats aim a dagger at the heart of our constitutional form of self-government.

The special interests argue that their strong-arm tactics -- such as paying constituents for their signatures to put constitutional amendments on the ballot -- are necessary in order to compel the General Assembly to act in the interest of the people. The asserted ends sound laudable, but the means are not.

First, beneath the altruistic rhetoric claiming to defend the "will of the people" lies the more self-serving purpose of simply bending the law -- by preemptive statute like House Bill 506 or constitutional amendment, they do not care which -- to protect their own special interest.

Second, as the cornerstone of our self-rule, the Ohio Constitution frames the very structure of our state government, and that structure will not stand under the constant pressures of change and amendment. Constitutional amendments therefore ought to be rare events and taken up only for the most significant purposes, not as a more permanent alternative to the Revised or Administrative codes. The state constitution is a foundational document, not a list of policy choices or a rule book for dog breeders.

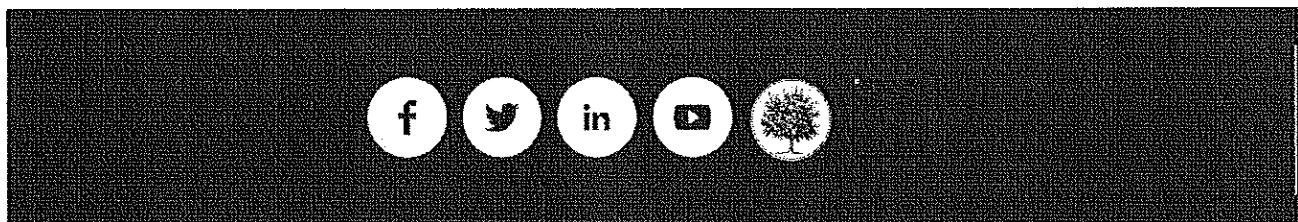
If, as the special interests claim, the General Assembly fails to accomplish or defend the will of the people, our political system provides a remedy to hold the assembly accountable -- elections. One hardly need remind this Committee that legislators who do not listen to their constituents and who do not pursue policies and legislation consistent with their constituents' concerns can and should be voted from office. Thus, statutes and elections are and ought to be the people's recourse -- not the bombastic threats of constitutional amendments or else.

Thank you for your consideration. I would be happy to answer any questions that the Committee might have at this time.

#

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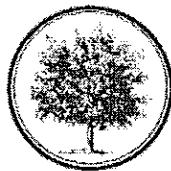
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FOR IMMEDIATE RELEASE
March 9, 2018

The Buckeye Institute: Ohio's Employment Rate Springs Ahead, While Unemployment Still Above National Average

Columbus, OH -- Andrew J. Kidd, Ph.D., an economist at the **Economic Research Center** (ERC) at **The Buckeye Institute**; and Rea S. Hederman Jr., executive director of the ERC and vice president of policy at Buckeye, commented on newly released employment data from the **Ohio Department of Job and Family Services**.

"Ohio's unemployment rate declined from 4.9 percent in December to 4.7 percent in January, continuing a positive economic path for Ohio's labor market. However, Ohio's unemployment rate still remains well above the national average of 4.1 percent, indicating there are still obstacles that policymakers need to address to make Ohio a national leader."

"Also concerning is that Ohio's unemployment rate declined due partially to fewer Ohioans being in the job market as labor force participation dipped below the national average. This signifies some job seekers may have become discouraged and stopped searching for employment.

"Ohio experienced an 8,900 increase in non-farm private employment in January 2018, nearly five times the growth from December 2017 and accounting for more than a third of the number of new jobs since January 2017. Although this is only one month with such large gains, this is an indication that Ohio's labor market is strengthening and expanding.

"Much of this job growth was in construction, which saw an increase of 2,600 jobs. This bodes well for the industry, which had seen declines in the latter part of 2017, and could be indicative of further development and economic growth. Mining and logging also continued to rebound after years of struggle, growing by 5.5 percent in 2017.

"Overall, Ohio's labor market continues to trend in the right direction but discouraged workers and decreases in lower-skilled jobs such as manufacturing (-1,400), and leisure and hospitality (-1,700), show there needs to be fewer barriers that prevent people who are seeking to improve their skills through training and licensing from attaining the jobs they desire."

#

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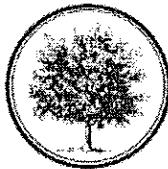
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FOR IMMEDIATE RELEASE
March 13, 2018

The Buckeye Institute: Capital Budget Riddled with Pork Projects that Benefit Only Narrow Local Interests

Greg Lawson Testifies Before Ohio Senate Committee on House Bill 529

Columbus, OH -- **The Buckeye Institute's** Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Finance Committee on House Bill 529, Ohio's 2018 capital budget.

As he did in his testimony before the Ohio House Finance Committee, Lawson recognized that in many ways the 2018 capital budget adheres to the spending principles outlined in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*. However, he went on to say, "We are concerned that this budget, like others before, remains riddled with too

many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure."

In highlighting the special interest projects, Lawson again drew special attention to the 10 that made Buckeye's **Top 10 Worst Capital Budget Requests of 2018**, saying, "We highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader statewide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers."

#

**Interested Party Testimony on House Bill 529
Before the Ohio Senate Finance Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 13, 2018**

Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell, and members of the Committee, thank you for the opportunity to testify today regarding the Capital Budget.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

On February 5, The Buckeye Institute released its report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, which outlined ways to keep Ohio's capital budget focused on principled government spending.^[1] Our report encouraged policymakers to be guided by three spending principles: constrain the growth of government, eliminate corporate and special interest welfare, and focus on strengthening Ohio's physical and democratic infrastructures.

In many ways, Ohio's \$2.62 billion budget adheres to these basic principles, but we are concerned that this budget, like others before, remains riddled with too many special interest requests, local projects, and some potential boondoggles that veer from providing core government services and infrastructure.

The Buckeye Institute has just released its Top 10 Worst Capital Budget Requests of 2018,[2] in which we highlight more than \$18 million of taxpayer dollars spent on pork projects that benefit only narrow local interests and not broader state-wide needs. And that \$18 million is just the tip of the proverbial iceberg. All of the special interest projects combined pushes that total to at least \$85 million. That is at least \$85 million of pork that could be spent on more pressing priorities, saved, or returned to taxpayers.

Regrettably, examples of non-essential government spending abound. The \$5 million to build retail and restaurant space at COSI in Columbus -- not essential government spending. The \$1 million for orangutan and elephant exhibits at the Columbus Zoo -- already subsidized by Franklin County property owners -- not essential government spending. The \$800,000 to install splash pads around the state -- not essential government spending. And the \$4 million slated for a soccer stadium in Cincinnati -- not essential government spending and not likely to live up to the economic hype. As the St. Louis Federal Reserve concluded last year:

Consumers who spend money on sporting events would likely spend the money on other forms of entertainment, which has a similar economic impact. Rather than subsidizing sports stadiums, governments could finance other projects such as infrastructure or education that have the potential to increase productivity and promote economic growth.[3]

Ultimately, of course, local residents and local taxpayers should have every opportunity to voluntarily choose to fund amphitheaters, performance stages, parks, zoos, and even stadiums out of their own local resources. But Cleveland residents should not be compelled -- through state taxes -- to pay for the Columbus Zoo, nor should Youngstown residents be made to pay for a soccer venue in Cincinnati.

Then there is the \$400,000 appropriation to build several government-owned broadband networks across the state. As I outlined recently in *Broadband "GON" Wrong*,[4] private-sector players have already deployed billions of dollars developing state-of-the-art technology to nimbly respond to consumer demands and preferences, while these government-owned networks have proven unable to pay for themselves, leaving taxpayers to pay for networks that few consumers even want to use.

That communities are asking for state money in the capital budget indicates that these networks all too frequently fail to live up to the promises made by government officials, and often lead to further taxpayer subsidies to maintain operations.

Many of the other local projects are not inherently misguided, but insofar as they provide only narrow local benefits and do not strengthen Ohio's physical infrastructure, state policymakers should remove them from the capital budget. Those funds should instead be spent on Ohio's pressing needs, such as building and maintaining water and sewer systems, and state roads.

We are also disappointed that this capital budget will not strengthen the state's democratic infrastructure, including, for example, replacing Ohio's aging voting machines. Such funding appears allocated in separate legislation, but the capital budget was not then reduced to maintain spending balance -- and it should have been.

Finally, and perhaps most critically, policymakers must remember that a lack of fiscal restraint, even during good economic times, unwittingly creates unrealistic spending expectations over time. Using the capital budget to fund local projects rather than state priorities will only make it harder for policymakers to curb and manage state spending when tough economic times inevitably arrive.

Today, even as the state budget looks solidly in the black, the danger of recession and fiscal instability still lurks. Recall, for instance, how unforeseen challenges required immediate and multiple adjustments to the last biennial budget due to lower than expected revenues. Prudence cautions against the tempting but non-essential government spending included in this capital budget. For the sake of Ohio taxpayers, such temptation must be resisted.

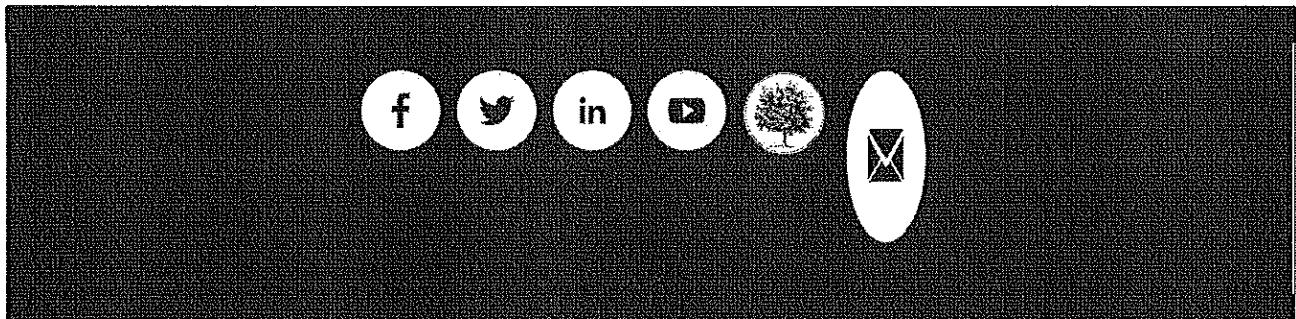
Thank you and I look forward to answering any questions that the Committee may have at this time.

- [1] Greg R. Lawson and Quinn Beeson, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, The Buckeye Institute, February 5, 2018.
- [2] More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests, The Buckeye Institute press release, March 5, 2018.
- [3] Scott A. Wolla, *The Economics of Subsidizing Sports Stadiums*, Federal Reserve Bank of St. Louis, May 2017.
- [4] Greg R. Lawson, *Broadband "GONE" Wrong: Remembering Why Government-Owned Broadband Networks are Bad for Taxpayers*, The Buckeye Institute, February 14, 2018.

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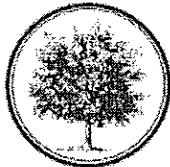
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March 14, 2018

The Buckeye Institute: "Sue and Settle" Circumvents Constitutional Role of the Peoples' Elected Representatives to Make Policy

Greg Lawson Testifies Before Ohio House Government Accountability and Oversight Committee on House Bill 301

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio House Government Accountability and Oversight Committee on House Bill 301.

In opening his testimony, Lawson noted that the practice of "sue and settle" is a "pernicious but all-too-common practice" that "circumvent[s] the constitutional prerogative of the General Assembly to make policy."

Lawson urged the General Assembly to end this practice and reassert its rightful policy role by "requiring the [General] Assembly's approval for any consent decree or court-approved settlement to which the state is a party that modifies or prevents a statute's implementation.

#

**Interested Party Testimony on House Bill 301
Before the Ohio House Government Accountability and Oversight Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 14, 2018**

Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the Committee, thank you for the opportunity to testify today regarding House Bill 301.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

House Bill 301 takes a significant stride toward correcting the pernicious but all-too-common practice known as "sue and settle." Special interests pursue a "sue and settle" scheme by filing a lawsuit against the state challenging state laws, regulations, or policies in the hope of reaching a favorable court-ordered settlement that effectively frustrate the state's policy objective.

Ultimately, of course, "sue and settle" lawsuits circumvent the constitutional prerogative of the General Assembly to make policy.

The troubling "sue and settle" strategy has become so widespread at the state and federal levels that the U.S. Chamber of Commerce has called such special interest lawsuits what they really are: "regulating behind closed doors."^[1]

Indeed, the U.S. Environmental Protection Agency has acknowledged the problem of backroom "regulation through litigation," and has recently amended the process by which the EPA will agree to consent decrees.^[2]

The Buckeye Institute is pleased that Ohio appears ready to take similar, reasonable steps with Representative Butler's House Bill 301 to curb backroom settlements that often muddy regulatory waters that should be clear and transparent.

In our view, House Bill 301 reasserts the General Assembly's rightful policy role by requiring the Assembly's approval for any consent decree or court-approved settlement to which the state is a party that modifies or prevents a statute's implementation. With such a requirement, House Bill 301 will return power to Ohio's electorate by restoring transparency to a legislative and regulatory process that has been strategically hijacked by special interests and their lawyers.

We applaud this effort as sound regulatory policy, and we encourage the General Assembly to end the unsettling practice of "sue and settle" litigation.

Thank you for your time and consideration. I would be happy to answer any questions that the Committee may have at this time.

[1] U.S. Chamber of Commerce, **Sue and Settle: Regulating Behind Closed Doors**, March 6, 2018.

[2] Administrator Pruitt Issues Directive to End EPA "Sue & Settle" United States Environmental Protection Agency press release, October 16, 2017.

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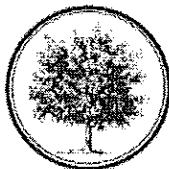
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FOR IMMEDIATE RELEASE
March 14, 2018

The Buckeye Institute: Sales Tax Holidays are More Gimmick, Less Reform

*Greg Lawson Submits Testimony to the Ohio House Ways
and Means Committee on Senate Bill 226*

Columbus, OH -- The Buckeye Institute's Greg R. Lawson submitted written testimony today (see full text below or [download a PDF](#)) to the Ohio House Ways and Means Committee on Senate Bill 226.

In opening his testimony, Lawson outlined the downsides of special interest tax deductions, which narrow the tax base, raise taxes, and offer preferential treatment to special interests.

Pointing to a report by the non-partisan Tax Foundation, Lawson went on to say of sales tax holidays, they "represent more of a gimmick than fundamental reform."

Lawson also noted that the Tax Foundation report questioned how much of a savings sales tax holidays offered consumers, highlighting that retailers may raise prices to capture a portion of the tax savings. "This practice alone would suggest that consumers would benefit more from a flatter tax without special exemptions rather than a one-time-a-year sales tax break."

After the bill passed out of committee Lawson said, "Though the legislation did clear the committee and seems poised for passage, it remains critical to examine all such tax expenditures to avoid reducing the overall competitiveness of our full tax code."

#

**Interested Party Testimony on Senate Bill 226
to the Ohio House Ways and Means Committee**

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**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 14, 2018**

Chairman Schaffer, Vice Chair Scherer, Ranking Member Rogers, and members of the Committee, thank you for the opportunity to submit testimony regarding Senate Bill 226 and Ohio's tax policy.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

According to the Ohio Department of Taxation, a tax expenditure is any tax policy that has the following four characteristics:[1]

- The item reduces, or has the potential to reduce, one of the state's General Revenue Fund taxes;
- The item would have been part of the defined base;
- The item is not subject to an alternative tax; and

- The item is subject to change by state legislative action.

The Buckeye Institute has long opposed most tax expenditures, including credits and exemptions, because of their adverse impacts on taxpayers and the level playing field on which a free market depends.

As exceptions to the tax code, tax expenditures effectively narrow the tax base. The narrower the tax base the higher and more confiscatory taxes become for those still subject to the tax. Thus, tax expenditures, however unintentionally or well-intended, eventually pick economic winners and losers through their preferential treatment under the law.

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Flatter taxes, by contrast, levied on broader bases and without special exemptions, lower the tax burden and spread the cost of the tax more evenly and fairly among taxpayers.

Sales tax holidays, in particular, represent more of a gimmick than fundamental reform. As the non-partisan Tax Foundation points out, rather than moving Ohio to a flatter tax, sales tax holidays introduce complexity and instability to sales tax collections.[2]

Additionally, there is uncertainty as to how large of a savings sales tax holidays offer the consumer with some research showing that retailers may raise prices to capture a portion of the tax savings that are anticipated by consumers.[3] This practice alone would suggest that consumers would benefit more from a flatter tax without special exemptions rather than a one-time-a-year sales tax break.

Thank you again for the opportunity to submit written testimony to the Committee.

[1] State of Ohio, *Fiscal Year 2018-2019 Tax Expenditure Report*, Office of Budget and Management, November 25, 2016.

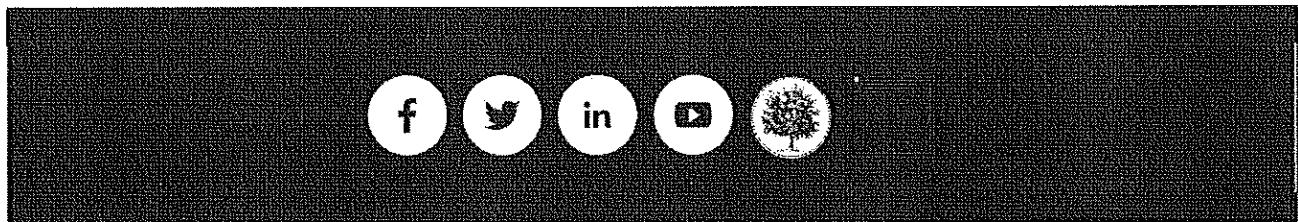
[2] Joseph Bishop-Henchman and Scott Drenkard, *Sales Tax Holidays: Politically Expedient but Poor Tax Policy, 2017*, Tax Foundation, July 25, 2017.

[3] *Ibid.*

#

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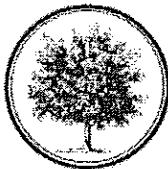
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Thursday, March 15, 2018 7:03 AM
To: Rep48
Subject: REMINDER: AEI President Arthur Brooks to Address The Buckeye Institute Luncheon March 21

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THE BUCKEYE INSTITUTE

Friends,

You may have seen our invitation for this event previously. If so, consider this to be a reminder. If not, consider yourself formally invited, and see the details below. We'd love to have you with us.

Update: We added another table to the room for our luncheon with **Arthur Brooks** on Wednesday at noon, but once that last table is full -- as predicted -- the event will be sold out. Also, another and probably more intriguing piece of breaking news: This may be your last chance to hear Arthur Brooks in his role as AEI President. See his announcement in *The Wall Street Journal* of passing the torch next year [here](#).

Please do register to attend if you would like to occupy one of those additional seats and take advantage of this special opportunity to hear from him firsthand.

You are cordially invited to join us for an extraordinary luncheon talk featuring American Enterprise Institute (AEI) President Arthur Brooks on Wednesday, March 21, at noon.

This is one event that you don't want to miss, so **register soon**. Further details are available by following the registration link.

We hope to see you Wednesday!

Sincerely,
The Buckeye Institute team

[Register to Attend](#)

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Sent by [info@buckeyeinstitute.org](#)

From: Fiore, Anthonio
Sent: Friday, March 16, 2018 7:03 PM
To: Fiore, Anthonio
CC: Elizabeth Murch
Subject: Urging Your Support for Sub. HB 189 Before the Spring Recess
Attachments: Eric_Bakken_Regis_Corporation_Sub_HB_189_Letter_Of_Support_Signed.pdf; 2018_0316 OSA Ltr to All Ohio House Members Urging Support for Sub HB 189 - FINAL.pdf

Dear Ohio House members,

We are writing to ask for your **support and expeditious passage** of the **occupational licensure reforms** to Ohio's cosmetology industry contained in **Sub.HB 189** before the Spring recess. The announcement this week of more private cosmetology schools closing makes it more important than ever to pass the reforms contained in **Sub. HB 189**. **Six additional school closures** were announced bringing the total number to **28 closures since May 2015** (or around 30%). In addition, we have included a few items raised by opponents that we are willing to work on in the Senate if the bill is favorably passed off the House floor.

I've also attached a list of all public testimony o **HB 189**. In addition the **letters of support from smaller salon owners** around the state, we just received the attached letter of support from Regis Corp that has over 30 brands under its umbrella with hundreds of locations across all 88 counties.

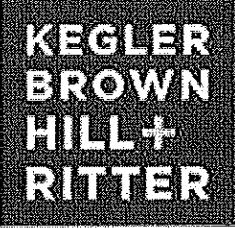
Have a great weekend. Please let me know if you have any questions.

Best regards,

Tony

Anthonio C. Fiore
Of Counsel

65 East State Street | Suite 1800 | Columbus, OH 43215
direct (614) 462-5428 | mobile (614) 906-8669 | fax (614) 464-2634



afiore@keglerbrown.com

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5th Hearing – March 7, 2018

Bill	Status	Amendments	Fiscal Notes	Analysis
H. B. No. 189	5th Hearing		Download	Download
Witness	Organization	Stance	Document	
Wezlynn Davis	null	Opponent	Download	
Patrick Thompson	null	Opponent	Download	
Don Boyd	Ohio Chamber of Commerce	Proponent	Download	
Sue Carter Moore	Ohio Association of Cosmetology Schools	Opponent	Download	
Nancy Brown	Brown Aveda Institute	Opponent	Download	
Brandon Ouden	null	Proponent	Download	
Valarie Lockhart	G Penney Salon	Proponent	Download	

4th Hearing – February 27, 2018

Bill	Status	Amendments	Fiscal Notes	Analysis
H. B. No. 189	4th Hearing	I 132_1073-3	Download	Download
Witness	Organization	Stance	Document	
Lea Nelson	null	Proponent	Download	
Coloration Association	null	Proponent	Download	
Don Boyd	null	Proponent	Download	
Claire Ostermeyer	null	Proponent	Download	
Chris Remusky	NBC	Proponent	Download	

3rd Hearing – June 21, 2017

Bill	Status	Amendments	Fiscal Notes	Analysis
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H. B. No. 189	3rd Hearing	Download	Download
Witness	Organization	Stance	Document
Greg Lawson	The Buckeye Institute	Interested Party	Download
Michael Shab	null	Proponent	Download
Mariah Yearger	null	Proponent	Download
Dana Palladino	null	Proponent	Download
Bridget Sharpe	Professional Beauty Association	Proponent	Download
Mariah Radley	Naturals Beauty Industry Coalition	Proponent	Download
Nicole Cumberlander	null	Proponent	Download
Rowena Yeager	null	Proponent	Download
Ben Shockey	null	Proponent	Download
David Beutcher Additional	null	Proponent	Download
David Beutcher	null	Proponent	Download
Rachel Lecking	null	Proponent	Download
Kerry Sawyer	null	Proponent	Download
Nancy Brown	null	Opponent	Download
Wezlynn VanDyke Davis	null	Opponent	Download
Patrick Thompson	null	Opponent	Download
Angela Harvey	null	Opponent	Download
Jill Hawkins Mitchell	null	Opponent	Download
Gerry Reis	null	Opponent	Download
Will Molden	null	Opponent	Download
Chris Retrouve	NFB	Proponent	Download

2nd Hearing – May 23, 2017

Bill	Status	Amendments	Fiscal Notes	Analysis
H. B. No. 189	2nd Hearing	Download	Download	
Witness	Organization	Stance	Document	
Tony Roto	ChopSalon Association	Proponent	Download	
Clark Rosenthal	null	Proponent	Download	
Charles Ponzini	Hot Cakes Ponzini Salons	Proponent	Download	
Jeffrey Gruenberg	null	Proponent	Download	
Tony Yerushalmy	Sport Clips	Proponent	Download	
Debra Miller	null	Proponent	Download	

Stefan Eckart	Great Clips	Proponent	Download
Bridget Sharpe	Professional Beauty Association	PropONENT	Download
Frank Schoeneman	Empire Education Group	Proponent	Download
Tom Quick and Lisa Groome	Rooster's Men's Grooming Center	Proponent	Download
Trisha Stepplinge	null	Proponent	Download
Gordon Logan	Sports Clips	Proponent	Download
Dab Nelson	Roosters Men's Grooming Centers	Proponent	Download

1st Hearing – May 17, 2017

Bill	Status	Amendments	Fiscal Notes	Analysis
H. B. No. 189	1st Hearing	–	Download	Download
Witness	Organization	Stance	Document	
Rep. Roegner	null	Proponent	Download	
Rep. Reece	null	Proponent	Download	

REGIS Beauty Education Franchise
7201 Metro Boulevard | Minneapolis, MN 55439 | 952-947-7777

March 15, 2018

To: All Ohio House of Representatives

From: Eric Bakken
EVP, President—Franchise

RE: Urging your support for Sub. HB 189

My name is Eric Bakken, and I serve as the Executive Vice President and President—Franchise for Regis Corporation. I'm writing to urge your support for Sub. HB 189.

Regis Corporation is a leader in beauty salons and cosmetology education. As of December 31, 2017, we owned, operated, franchised or held ownership interests in over 8,800 locations worldwide. We also maintain an ownership interest in Empire Education Group in the U.S. Regis owns or franchises 386 salon locations in Ohio, amounting to over 2,000 stylists and managers in the state. We operate under several brands in all 88 counties throughout Ohio, including: Best Cuts, Borics Hair Care, Famous Hair, Fiesta Salons, First Choice Haircutters, Hairstructors, Mastercuts, Regis Salons, Roosters, Saturdays, SmartStyle, and Supercuts.

At Regis, we are deeply committed to providing our customers with the safest and highest quality experience in our salons. To achieve this, we ensure our stylists and managers are properly educated and licensed in accordance with state regulations. We also offer our team members continued education and training to refine their skills, keep on trend and to stay in tune with the latest sanitary protocols. However, our industry has become increasingly competitive, most of which is attributable to a shortage in skilled labor. That's why for over four years, Regis has supported a group called the Future of the Beauty Industry Coalition (FBIC) whose main purpose is to provide reasonable reforms to state cosmetology law using research and analytics from all 50 states.

The FBIC consists of cosmetologists, students, salon owners, manufacturers, distributors, and cosmetology schools. The FBIC values our industry's appreciation of safety and quality, and therefore has proposed Sub. HB 189 which modifies the existing law and reduces the Ohio license minimum hour requirements from 1,500 to 1,000, as opposed to a complete deregulation of the industry. In addition, Sub. HB 189 lays the groundwork for model occupational licensing reform legislation for the cosmetology industry in all 50 states and helps to eliminate a barrier of entry into our industry.

The minimum 1,500 hours state licensing requirement serves as a barrier of entry into the beauty industry. In addition, Ohio's reciprocity law requires a licensee to sit for an Ohio exam even though they may have passed another state's licensing exam a month or so before. This doesn't help our stylist be mobile in deciding where to work and live, especially near Ohio's bordering counties. Sub. HB 189 reduces the hours to 1,000 hours for a full cosmetology license and helps out of state licensees come to Ohio to work and raise a family.

For these reasons, I am writing on behalf of Regis Corporation in support of the Ohio Salon Association's proposed comprehensive reform package to Ohio's cosmetology laws contained in Sub. HB 189 (and the

REGIS THE HAIR COMPANY
7201 Metro Boulevard | Minneapolis, MN 55439 | 952-947-7777

companion bill in the Ohio Senate, SB 129). This reform is a positive step for our industry, and I respectfully request this committee's support on the work being done here.

Thank you for your consideration and the opportunity to submit this letter in support of Sub. HB 189.



Eric Bakken
EVP, President—Franchise
Regis Corporation



OSA

OHIO SALON ASSOCIATION

March 16, 2018

Dear Representative:

We are writing to ask for your support and expeditious passage of the occupational licensure reforms to Ohio's cosmetology industry contained in Sub. HB 189 next Wednesday, March 21, 2018. The announcement this week of more private cosmetology schools closing makes it more important than ever to pass the reforms contained in Sub. HB 189. Six additional school closures were announced bringing the total number to 28 closures since May 2015 (around 30%). In addition, we have included a few items raised by opponents that we are willing to work on in the Senate if the bill is favorably passed off the House floor.

Sub. HB 189 will:

- 1) **Support Ohio's Attainment Goal 2025, that includes:**
 - a) helping more Ohioans compete for quality jobs that pay a family-sustaining wage and lead to career advancement;
 - b) removing barriers to education and employment for individuals;
 - c) helping Ohio employers find the talent they need to succeed and grow;
 - d) providing effective and efficient job training aligned to in-demand occupations and employer needs resulting in workplace-valued credentials; and
 - e) assisting in achieving the attainment goal of the Governor's Executive Workforce Board, Ohio Department of Education and Ohio Department of Higher Education to have 65% of Ohioans ages 25 to 65 achieve a credential/license or degree by 2025. (Ohioans are currently at 43% of that attainment goal.)
- 2) **Lower hours to reduce the barrier for women, men and minorities to enter the beauty industry.**
The bill:
 - a) supports the notion that government should only mandate the minimum number of hours necessary to ensure safe and sanitary cosmetology practices as a barrier to entry into the profession – **1,000 hours is the correct requirement** – though some believe this is still too many hours;
 - b) equalizes the government mandated hours between public and private schools. Public schools in Ohio are **already teaching at 1,000 hours** and producing graduates who are entering the workforce with similar graduation rates, licensure rates and earning potential;
 - c) maintains high training standards without mandating an additional 500 hours on private school students. A national study as well as salon owners indicate that **more time in school does not make the student more job ready**;
 - d) acknowledges that there are **currently more public students entering the profession at 1,000 hours** of training rather than private schools at 1,500 hours;
 - e) ensures private schools are still able to obtain federal funding for students at 1,000 hours, can require 500 additional hours and charge whatever they want for tuition – the question is whether students will be willing to pay for and attend such programs – the free market will decide; and,
 - f) creates an **apprenticeship option** for future cosmetology students to earn a wage while they learn about the beauty industry. Under today's 1,500-hour program students are forced to pay tuition and provide services to the public in school clinics without compensation for hundreds of hours.

3) Stop Ohio law from unfairly requiring private cosmetology education mandating 1,500 hours at the expense of students when public schools already teach at 1,000 hours. There is no risk to public safety if a cosmetologist attending a private school achieves 1,000 hours for a license just like the public school student does today. In Ohio today:

- Emergency Medical Technicians (EMT) attend 150 hours of training.
- Police officers attend 695 hours of training.
- Licensed Practical Nurses (LPNs) attend 1376 hours of training.
- Paramedics attend 800 hours of training.

4) Make Ohio a "**RECIPROCITY-IN**" state--our focus must be on job opportunities in Ohio. Many states do not require licensees to take any additional education or even an exam when seeking reciprocity after one to two years of practicing as was indicated by a recent LSC review. The bill:

- a) removes the requirement of taking exams in Ohio if already licensed in another state;
- b) removes the requirement that the standards in Ohio for obtaining the license the applicant seeks are substantially equal to the other state or country's requirements;
- c) allows licensees to enter the workforce sooner with less debt;
- d) permits work experience/hours to count towards licensing hours when seeking to transfer a license to another state;
- e) requires the Ohio Board to use a national exam which makes our licensees more marketable in other states; and,
- f) maintains high standards, but makes it easier to practice in Ohio than in most states.

Although private school opponents have refused to attend interested party meetings we have addressed several issues raised by them and have highlighted the changes below. These changes are in Sub. HB 189. The substitute bill:

- a) permits pre-graduate testing to help increase licensure rates;
- b) returns manicuring hours from 100 to 200;
- c) returns esthetics hours from 300 to 600;
- d) removes the 5-year experience requirement for instructors;
- e) removes the language increasing the surety bond from \$10,000 to \$100,000 for schools; and,
- f) requires salons and schools of cosmetology to work in partnership to establish the apprenticeship program.

As mentioned above, the OSA has been trying to address as many of the opponents concerns as possible throughout this legislative process. We are committed to working on the following issues raised by the opponents in the Senate if Sub. HB 189 passes out of the House:

Opponents concern: Getting rid of the advanced license is deregulating our profession.

- **OSA Response:** The advanced license doesn't provide students with marketable skills that garner a higher wage and is not recognized in other states. Since it was created a few years ago schools did not adapt and work to provide input on curriculum to make it valuable. Schools can still offer 1,500 hours' worth of classes or any other advanced classes they wish. There is no law preventing them from offering classes that exceed the minimum. And funding is available for up to 1,500 hours so they can get paid. The state should only legislate minimums for occupational licenses that are barriers to entry into a profession. In reality private schools combine the initial license at 1,500 hours and the advanced license at 300 hours and require students to attend and pay for an 1,800-hour program. This cannot be the case in the future.
- **OSA Compromise:** The OSA will support changing Sub. HB 189 in the Senate to preserve the Advance License for those licensees as of the effective date of the bill, so those individuals can indefinitely renew this license. This still provides any school the opportunity to create an Advanced

Certificate program, but such a program will not carry with it state mandated hours. Schools are free to provide cosmetology programs above the 1,000-hour requirement under Sub. HB 189 – the question is whether students will pay for the additional training and education – the free market will decide.

Opponents concern: *Natural Hair Styling license is valuable and should stay. It negatively affects ethnic populations to get rid of it including salon owners.*

- **OSA Response:** The first time OSA heard opposition to removing the Natural Hair Stylist license came on Wednesday, March 7th in the House Government Accountability and Oversight Committee hearing on Sub. HB 189.
- This license is not widely utilized—and it is quite burdensome at 450 hours of education to sit for the licensing exam. For instance, based on the Board's 2017 Annual Report there were 5 active and one new individuals with a natural hair stylist license, one active and one new individuals had a natural hair stylist instructor license, 34 active and 45 new individuals had an advanced natural hair stylist license, and there were 14 active and 4 newly licensed natural hair stylist salons. Compare this to 17,639 active and 2,708 new cosmetology licensees for the same period.
- **OSA compromise:** With that said, so long as the braiding registration stays in the law, we would compromise to allow the natural hair stylist license to stay in as well.

Opponents concern: *The way the definitions are in this bill make hair design the same as cosmetology at 800 hours.*

- **OSA Response:** The Ohio State Cosmetology and Barbering Board staff provided the language in the bill to clarify the practice of cosmetology which was included in the substitute bill.
 - Their intent was that cosmetology is defined as providing all the branches of cosmetology, and they believed the definition of cosmetology could not include cosmetology.
 - There has never been an intention of having a full cosmetology license 800-hour program as the opponents claim.
- **OSA compromise:** The OSA supports amending the final bill in the Senate to clarify and make clear that a full cosmetology license requires 1,000 hours, a hair design license requires 800 hours, an esthetics license requires 600 hours, a manicuring license requires 200 hours and a natural hair stylist license requires 450 hours.

The opponents should actually work with salon owners to address significant issues in the beauty industry, especially the fact that 28 private schools of cosmetology (or 30%) have abruptly closed their doors since May of 2015 and we expect more. These closures have required students to find alternate programs to finish their training very little to compensate them for these schools failing to help them become licensed and find employment in the beauty industry.

The Ohio Salon Association is focused on cosmetology student success, school success and addressing workforce issues for all salons and job providers in Ohio.

Thank you for your time and consideration. We have attached a list of business owners as well as state and national associations supporting HB 189 and SB 129.

Please feel free to contact our lobbyist, Tony Fiore, at afoire@keglerbrown.com or 614-462-5428 if you have any questions about this legislation.

Elizabeth K. Murch
Elizabeth Murch
Executive Director

Tony Fiore
Tony Fiore
Legislative Counsel

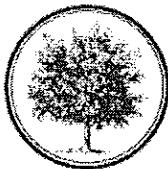
Supporters of Ohio HB 189 and SB 129

Arthur Gray Holdings, Inc.	Holiday Hair	QuickGroome, Inc. - Roosters
Beauty Supply Outlet	Hyland MH Retreats, LLC	Quiddity Partners, LLC
Best Cuts	Hyland Properties, LLC	R.L.O., Inc.
Bhooshay Enterprises of Ohio, LLC	Institute for Justice	Rachelle King
Blue Co. Brands	Intercoiffure America/Canada	RamseyRooney & Co.
Borics Hair Care	International Salon/Spa	Regis Salon
Burben Investments, Inc.	Business Network	S&L Cuts, Inc.
Carlton Hair	j.calico, LLC	SARJNT, Inc.
Charles Penzone, Inc.	JaNaMo Enterprises, Inc.	Sassoon Salon
Cincy Clips, Inc.	Jay-Mar Enterprises, LLC	Saturday's Hair Salon
City Looks Salons	JC Penney Salons	Sawyer Business Group, Inc.
Cool Cuts	JM Elliott Enterprise, LLC	Scott Burandt
Cost Cutters	Kerry and Anthony Sawyer	SDM Partners, Inc.
Courtne Wesselman	Lake House Holdings, LLC	Shaun Norton dba SportClips
CSJ Ventures, Inc.	Laventure, Inc.	Signature Style Salons
DANDREA, LLC	LGC Properties Management	SmartStyle Hair Salons
Daniel Feiwell – No LLC	LST Clips, Inc.	SportClips
Demer Retail Ventures, LLC	M&M Wardeiner, Inc.	SRL Clips, LLC
Eckert, Inc. dba Great Clips	Majicuts	Studio Wish Salon
Empire Beauty Schools	MasterCuts	Style America
Esquire Holdings, LLC	Maxco, Inc.	Supercuts
Famous Hair	Maxxco, LLC	Tasha Sheipline
Fiesta Salons	Michael's Salon and Spa	TGF Hair Salon
FirstChoice HairCutters	MMAO, LLC	The 220 Group, Ltd.
Future of the Beauty Industry Coalition	NeCole Cumberlander	Professional Beauty Association
Gem City Clips	NFIB/Ohio	The Visage Group
Gold Coast Ventures, LLC	North Coast Partners, LLC	Tillery Enterprises, Inc.
Great Clips	Norton Clips, LLC	Tillery Salons, Inc.
Great Expectations	Oakpoint Partners, Inc.	TJTKR Enterprises, Inc.
Hair Crafters	Ohio Chamber of Commerce	Trinity Leadership 6, LLC
Hair Masters	Ohio Salon Association	Trinity Leadership 7, LLC
Hair Plus	Outlooks for Hair	Ulta
Head Start Haircare	Panopoulos Salons	Vanity Ventures, Inc.
	Park 50 Clips, LLC	We Care Hair
	Pro Cuts	

From: The Buckeye Institute
Sent: Monday, March 19, 2018 7:04 AM
To: Rep48
Subject: The Buckeye Institute: Policymakers Should Take Bolder Strides on Health Care Reforms that Country Can Follow

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THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
March 19, 2018

The Buckeye Institute: Policymakers Should Take Bolder Strides on Health Care Reforms that Country Can Follow

Buckeye Submits Public Comments on Ohio's Medicaid Waiver Proposals

Columbus, OH -- The Buckeye Institute's Rea S. Hederman Jr., executive director of the Economic Research Center and vice president of policy, submitted public comments on Ohio's two Medicaid waiver proposals -- the **work and community engagement waiver** and the **state innovation or 1332 waiver**.

"After years of failure in Washington, these waivers represent the first step in Ohio repairing its broken health insurance markets," said Rea S. Hederman Jr., executive director of the Economic Research Center at The Buckeye Institute and vice president of policy. "While we applaud these proposals, we encourage policymakers to take bigger, bolder

strides to blaze a trail of innovative health insurance reforms that the rest of the country can follow."

Work and Community Engagement Waiver

Pointing out that Medicaid was drastically changed under the Affordable Care Act, Hederman said in his public comments, "Encouraging healthy, able-bodied adults to remain in the workforce or engage in other educational and training activities, Ohio's proposed Section 1115 waiver will enhance lifetime earnings, income, and health. By enhancing the health of the covered Medicaid enrollees, Ohio's proposed waiver meets the twin goals of the waiver demonstration project by promoting economic stability and improving health."

While noting that "Ohio's waiver proposal pursues sound public policy," Hederman outlined recommended improvements to the proposal in several key areas: data collection, self-reporting, age requirements, auditing beneficiary reporting, and emphasizing the disincentives to work created by expanded-Medicaid.

State Innovation or 1332 Waiver

Although the recent federal tax reform legislation reduced the tax penalty for violating the individual mandate to \$0, Hederman said that "the mandate itself remains in federal law and the penalty could be raised again someday."

Hederman went on to urge policymakers to use the Section 1332 process to explore new alternatives to the status quo. "Policymakers could, for instance, request a waiver from the Affordable Care Act's employer mandate. Combining such a waiver with a reinsurance waiver like Alaska's could help the individual market while alleviating a significant burden for small businesses. Ohio should use the waiver process boldly and creatively to lower individual insurance premiums and stabilize the state's insurance market."

As repeal of the Affordable Care Act floundered at the federal level, Hederman, an expert in health care policy, was the first to propose using section 1332 waivers as a way to allow states to waive parts of the law and take back the ability to regulate their insurance markets. Hederman, and co-author Dennis G. Smith, outlined this approach in the report *Returning Health Care Power to the States*.

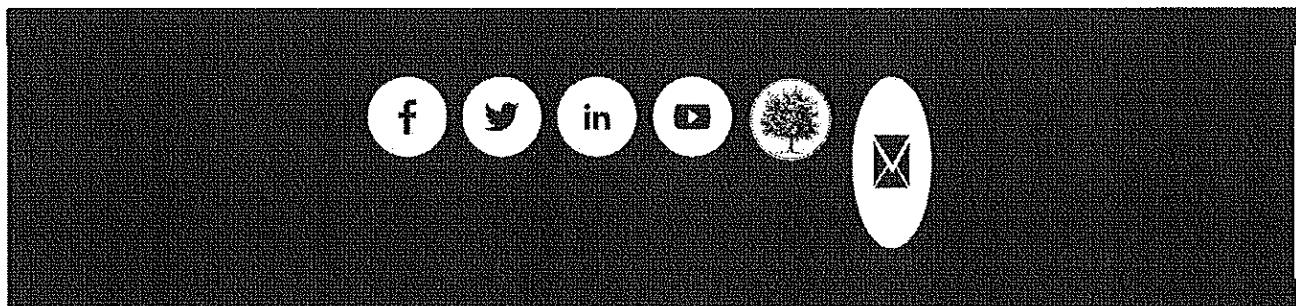
More recently, in *Federal Efforts to Stabilize ACA Individual Markets through State Innovation*, a study for the Mercatus Center at George Mason University, Hederman and Doug Badger with the Galen Institute argue that Congress and the administration should empower states to devise new ways to make health insurance more affordable for more people.

The Buckeye Institute's public comments were filed on Friday, March 16, 2018.

#

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.



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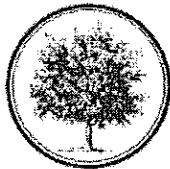
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Tuesday, March 20, 2018 3:48 PM
To: Rep48
Subject: The Buckeye Institute: Occupational Licensing is a Red-Taped Obstacle for Workers

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Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
March 21, 2018

The Buckeye Institute: Occupational Licensing is a Red-Taped Obstacle for Workers

*Greg Lawson Testifies Before the Ohio Senate Government
Oversight and Reform Committee on Senate Bill 255*

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Government Oversight and Reform Committee on Senate Bill 255.

In opening his testimony, Lawson said of Ohio's occupational licensing requirements, "No one denies that state licensing requirements are needed in some cases and industries to ensure public safety...But these concerns fade quickly when applied to auctioneers, travel

guides, and hairdressers -- all of whom are subject to Ohio's byzantine licensing requirements."

Lawson also pointed to the state's burdensome occupational licensing as a factor slowing Ohio's economic recovery and impacting Ohio's minority communities, "State permission slip policies that make it harder and more expensive to find work only exacerbate the problem." Going on later to note that while the state's labor force participation has improved in recent years it remains below the national average and "Occupational licensing hurdles only make Ohio's full recovery more difficult."

The research in support of reducing occupational licensing spans the political spectrum with Lawson highlighting research by the **Heritage Foundation**, **National Bureau of Economic Research**, the **Brookings Institute's Hamilton Project**, and Democratic and Republican administrations. He also highlighted Buckeye's own research, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back and Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*.

In closing, Lawson urged policymakers to reform Ohio's occupational licensing regulations saying, "Senate Bill 255 begins the overdue effort of reforming the state's occupational licensing regime and ending a misguided permission slip policy that has stood in the way of growth and prosperity for far too long.

#

**Interested Party Testimony on Senate Bill 255
Before the Ohio Senate Government Oversight and Reform Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 21, 2018**

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Committee, thank you for the opportunity to testify today regarding Senate Bill 255 and Ohio's need for occupational licensing reform.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

Ohioans should not have to ask the state for permission to earn a living. Yet, all too often, Ohio creates permission slip policies that make it harder -- and sometimes impossible -- for Ohioans or would-be Ohioans to pursue their careers and put food on the table for their families. Such policies must end.

No one denies that state licensing requirements are needed in some cases and industries to ensure public safety. Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers, for example, helps safeguard the general public in our hospitals and on our roads and runways. But these concerns fade quickly when applied to auctioneers, travel guides, and hairdressers -- all of whom are subject to Ohio's byzantine licensing requirements.

Consider Jennifer McClellan. A new mother, a long-time professional, and a licensed massage therapist, Jennifer tried moving back to Ohio to be closer to her family, but the Ohio State Medical Board denied her license application because she was 10 days shy of the state's training requirements.^[1] The board unduly discounted Jennifer's years of training and work experience, and would not honor the license she had already earned in Minnesota. Jennifer is not alone.

Tragically, such cases plague Ohio's minority communities -- communities already facing daunting employment prospects. Nationally, the unemployment rate among African Americans remains much higher than among other demographics. According to the Bureau of Labor Statistics, the most recent unemployment rate among African Americans was 6.9 percent -- nearly double the 3.7 percent rate for whites.^[2] Unemployment confronts 27.2 percent of young African Americans between 16 and 19, compared to the 12.6 percent of young whites.^[3] State permission slip policies that make it harder and more expensive to find work only exacerbate the problem, adding insult to injury in our job-deprived minority communities.

Recent scholarship across the political spectrum has highlighted the challenges presented by occupational licensing schemes and has made clear that the burdens created by such bureaucratic requirements must be lifted.

For starters, according to the Heritage Foundation, occupational licensing requirements cost the average U.S. household a staggering \$1,033 per year.^[4] Even more troubling, however, are the adverse effects that licensing has on interstate mobility and the labor market itself. A new study by professors Janna Johnson and Morris Kleiner of the Humphrey School of Public Affairs, for example, found that the migration rate of workers in occupations with state-specific licensing exam requirements was 36 percent lower than rates for other occupations.^[5] By contrast, occupations with national examinations showed

no evidence of such a limitation on interstate mobility.[6] Put simply, state-specific licensure makes migration more difficult by closing occupational doors for people who want to move.

In testimony before the U.S. Senate Judiciary Committee, Professor Kleiner has stated that he and Alan Krueger, the former head of President Obama's Council of Economic Advisors, had calculated that licensing laws cost between a half and one percent of jobs nationally in 2010.[7] Those seemingly small percentages amount to tens of thousands of jobs across America that never came into existence -- a claim bolstered by research out of the Brookings Institute's Hamilton Project revealing that stringent licensing requirements result in fewer providers of the services subject to the requirements.[8] Fewer providers means fewer employers and fewer available jobs.

Perhaps unsurprisingly, given Mr. Krueger and Professor Kleiner's findings, the Obama Administration released a detailed report in 2015 calling for nationwide reforms to occupational licensing.[9] Echoing bipartisan support for such measures, the Trump Administration's Secretary of Labor has since said, "Americans want principled, broad-based reform. If licenses are unnecessary, eliminate them. If they are needed, streamline them. And, if they are honored by one state, consider honoring them in your own state. Americans looking to enter the workforce deserve no less than our most ardent efforts to remove regulatory barriers so that they can have a job."[10]

Focusing less on national trends and more on Ohio's own licensing concerns, The Buckeye Institute's report, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, showed not only that Ohio's licensing burdens are well above the national average, but also that nearly every Ohio license that requires training can be earned in less time in another state.[11].

Our subsequent study, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, confirmed the disturbing and stubborn fact that Ohio's licensing requirements erect higher barriers to employment for those most in need of quality jobs: middle-aged and low-income workers, and those without a college degree.[12]

Senate Bill 255 takes several steps toward fixing Ohio's occupational licensure problem. First, for the first time in state history, policymakers would be required to use the least restrictive regulation when displacing competition, and the bill identifies various licensing alternatives -- listed from least restrictive to most restrictive -- that the state could pursue if confronting a verifiable public safety risk. Second, Senate Bill 255 establishes a process for legislative panels to use when weeding through Ohio's overgrown thicket of licensing boards. Under this process, boards that the General Assembly does not proactively

reauthorize would simply dissolve. Taken together, these provisions give lawmakers a much-needed tool for uprooting bureaucratic thistles that deprive Ohioans of the potential fruits of their labor.

In addition to its sunset provisions, Senate Bill 255 also creates a sunrise review process to be used whenever a new licensing bill is introduced. This provision will require the Legislative Service Commission (LSC) to assess the potential consequences of any new licensing legislation with respect to employment opportunities, consumer choices and costs, market competition, and costs to the government. Additionally, under S.B. 255, the LSC must assess 20 percent of the occupations regulated by the state each calendar year beginning in 2018, assess all occupations at least once before 2022, and continue such assessments on a five-year rolling basis after 2022.

These are all positive strides for a state still struggling to create new jobs. Ohio still has not rebounded fully from the tech bubble burst and remains down by almost 93,000 private-sector jobs from its peak in March 2000 -- now 18 years ago.[13] The state's labor force participation has improved in recent years, but remains slightly below the national average. Occupational licensing hurdles only make Ohio's full recovery more difficult.

Every licensing requirement raises a new red-taped obstacle for workers to clear before earning a living or starting a new career. Every hour of unpaid training needed to satisfy bureaucratic requirements is an hour not spent earning tips, impressing a boss, serving a customer, or opening a business. Those are hours of lost productivity, hours of opportunity that young, low-income workers sorely need, but that the state continues to take for itself.

Senate Bill 255 begins the overdue effort of reforming the state's occupational licensing regime and ending a misguided permission slip policy that has stood in the way of growth and prosperity for far too long.

Thank you for your time and consideration. I welcome any questions that the Committee might have.

[1] Greg R. Lawson, **Goodbye, Ohio. A Talented Massage Therapist Forced to Leave State Because of Crazy Licensing Rules**, The Buckeye Institute, February 29, 2016.

[2] Bureau of Labor Statistics, **Table A-2. Employment Status of Civilian Population by Race, Sex, and Age**, U.S. Department of Labor (Last visited March 16, 2018)

[3] *Ibid.*

[4] Salim Furth, **Costly Mistakes: How Bad Policies Raise the Cost of Living**, The Heritage Foundation, November 23, 2015.

[5] Janna E. Johnson and Morris M. Kleiner, *Is Occupational Licensing a Barrier to Interstate Migration?*, National Bureau of Economic Research, December 2017.

[6] *Ibid.*

[7] Morris M. Kleiner, **License to Compete: Occupational Licensing and the State Action Doctrine**, Testimony before the U.S. Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, February 2, 2016.

[8] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, The Hamilton Project, March 2015.

[9] The White House, *Occupational Licensing: A Framework for Policymakers*, July 2015.

[10] Secretary of Labor Alexander Acosta, **Speech before the 44th Annual Meeting of the American Legislative Exchange Council**, U.S. Department of Labor, July 21, 2017.

[11] Tom Lampman, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, The Buckeye Institute, November 18, 2015.

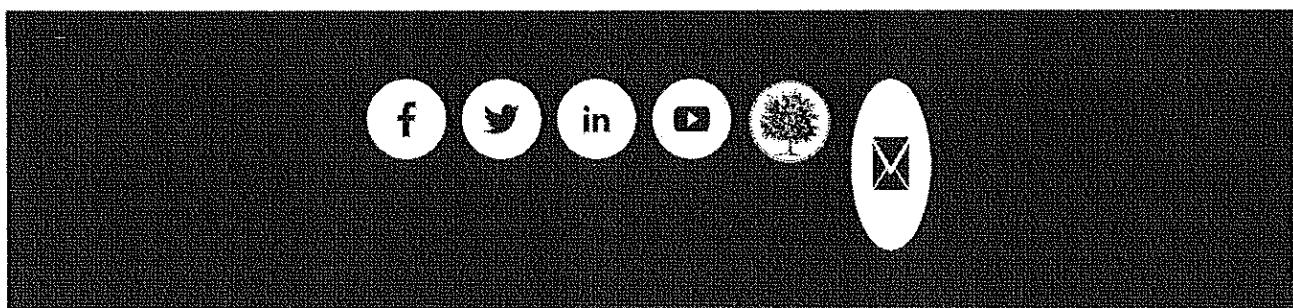
[12] Orphe Pierre Divounguys, PhD, Bryce Hill, and Greg R. Lawson, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, The Buckeye Institute, December 18, 2017.

[13] Bureau of Labor Statistics, **Ohio Economy at a Glance**, U.S. Department of Labor (Last visited March 16, 2018).

#

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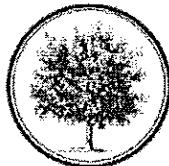
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Apologies, you will have received a press release for testimony Greg R. Lawson will be giving tomorrow on Senate Bill 255. You should have received the below release on Lawson's testimony on Senate Bill 135. I am sorry for the mistake and the inconvenience.

Lisa Gates



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Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
March 20, 2018

**The Buckeye Institute: Capital Budget Should be
Reduced to Off-Set Costs of Voting Machines**

Greg Lawson Testifies Before Ohio Senate Finance Committee on Senate Bill 135

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Finance Committee on Senate Bill 135.

Lawson opened his testimony telling the committee that The Buckeye Institute supported funding to replace Ohio's aging voting machines, calling it "a wise use of state dollars that serves a core government function." He went on to say, "As we explained in our recent report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, funding Ohio's democratic infrastructure ultimately helps to maintain the integrity of our state."

While Buckeye supports state funding to replace Ohio's aging voting machines, Lawson noted "the capital budget -- and not a separate funding bill -- is the more appropriate legislative vehicle for funding state infrastructure and core government responsibilities." With the decision by policymakers to use a separate funding mechanism, Lawson urged policymakers to off-set the capital budget by the corresponding amount "in order to maintain longer-term spending balance."

#

**Interested Party Testimony on Senate Bill 135
Before the Ohio Senate Finance Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
March 20, 2018**

Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell, and members of the Committee, thank you for the opportunity to testify today about an issue critical to all Ohioans -- strengthening our democratic infrastructure.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

Senate Bill 135 includes funding to replace Ohio's aging voting machines -- a wise use of state dollars that serves a core government function. Democratic elections represent the key mechanism by which citizens choose their leaders and hold them accountable. Thus, they undergird the very foundation of our democracy. To maintain the integrity of the election process is to maintain the integrity of our democratic infrastructure. And as we explained in our recent report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, funding Ohio's democratic infrastructure ultimately helps to maintain the integrity of our state.[1]

President Ronald Reagan once said, "Every American must know he or she can count on an equal chance and an equal vote."^[2] Counting on that equal chance requires counting every vote -- with voting machines. In today's democratic process, voting machines are a key piece of infrastructure on which our elections depend. Unfortunately, many of Ohio's county boards of elections still rely on voting machines purchased more than a decade ago with funds from the federal Help America Vote Act.^[3] These machines are in desperate need of replacement.

The Buckeye Institute supports using state funds for new voting machines, but as I mentioned to this Committee last week, the capital budget -- and not a separate funding bill -- is the more appropriate legislative vehicle for funding state infrastructure and core government responsibilities. Funding for voting machines should have been included in the capital budget, and to the extent that a separate mechanism, such as S.B. 135, is used instead, then the capital budget should be off-set by the corresponding amount in order to maintain longer-term spending balance.

Finding cost off-sets in the capital budget to pay for upgrading voting machines is not difficult. Many of the line items listed in our Top 10 Worst Capital Budget Requests of 2018^[4] could be cut or eliminated to pay for replacing our outdated voting machines, including \$4 million for a Cincinnati soccer stadium, \$5 million for retail and restaurant space at COSI in Columbus, and \$400,000 on ill-advised, government-owned broadband networks throughout the state. Reducing state funding for locally-focused projects would make it easier to afford new election machines and other infrastructure needs such as sewers and wastewater treatment facilities.

Thank you for your time and consideration. I look forward to answering any questions that the Committee may have.

[1] Greg R. Lawson and Quinn Beeson, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, The Buckeye Institute, February 5, 2018.

[2] President Ronald Reagan, *Statement About the Extension of the Voting Rights Act*, November 6, 1981.

[3] **Husted Calls for Replacement of Ohio's Aging Voting Equipment**, Ohio Secretary of State Office press release, December 14, 2017.

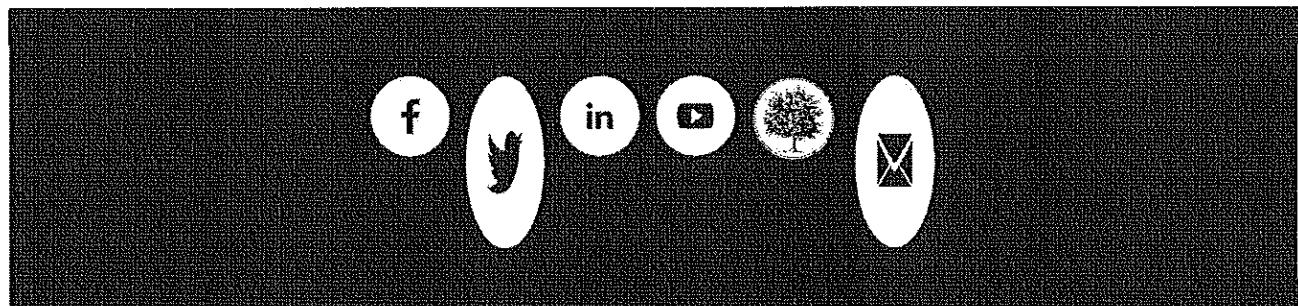
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[4] **More Than \$18 Million Spent on The Buckeye Institute's Top 10 List of Worst Capital Budget Requests**, The Buckeye Institute press release, March 5, 2018.

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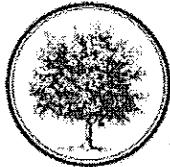
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FOR IMMEDIATE RELEASE
March 21, 2018

Buckeye Highlights New Research on Negative Economic Impact of Ohio's Growing Regulatory System

Columbus, OH -- At a press conference with **Ohio Senate President Larry Obhof** and Dr. James Broughel, a research fellow with the **Mercatus Center** at George Mason University, **The Buckeye Institute's** president and chief executive officer Robert Alt highlighted the negative impact of government regulations on Ohio's economic growth and the burden of occupational licensing specifically.

The press conference released **A Snapshot of Ohio Regulation in 2018**, which found that Ohio is one of the most heavily regulated states with nearly 247,000 restrictions, far more than neighboring states like Michigan, Pennsylvania, Kentucky, and West Virginia.

"We have long known that Ohio's regulatory system is hurting our economy and hurting Ohio workers. This new Mercatus research draws a stark comparison between what businesses and employees in Ohio experience versus our neighboring states," said Robert Alt, president and chief executive officer at The Buckeye Institute. "This isn't just a story of the number of regulations, this is a story of people. People who want to enter a new career field but can't due to the costs. People who want a promotion at work they are qualified for save for a simple piece of paper that says the word license. People who want to build a better future for themselves and their families. We must remember these people when looking at occupational licensing."

The Impact of Occupational Licensing

- Ohio likely sacrifices tens of thousands of potential jobs due to occupational licensing.
- A report by The Buckeye Institute found that the burden of Ohio's occupational licensing requirements has a greater impact on middle-aged and low-income workers, and those without a college degree.
- According to the Hamilton Project, 18 percent of Ohioans require an occupational license in order to earn a living in their chosen profession.
- A W.E. Upjohn Institute study revealed that the cost of hiring a licensed worker is approximately 15 percent higher than an unlicensed worker with the same level of experience doing the same job.
- The Foundation for Economic Education found that households in Ohio could save \$775 per year with occupational licensing reform.

In his remarks, Alt highlighted the story of Dawn Hochwalt, a salon manager from Dayton, Ohio who sees first-hand how Ohio's burdensome regulations impact her employees and her business, with little to no benefit to public health and safety. She also sees the impact the rising costs of cosmetology school has on her colleagues whose wages are being garnished to repay student loans. As Hochwalt said recently, "When I was in school it cost around \$6,000 to go to school and get a license, now that cost is \$20,000 or more. That debt is putting a tremendous burden on young people and the 1,500 hours they need to earn their license means they are not able to get on the salon floor to earn a living and pay off their debt."

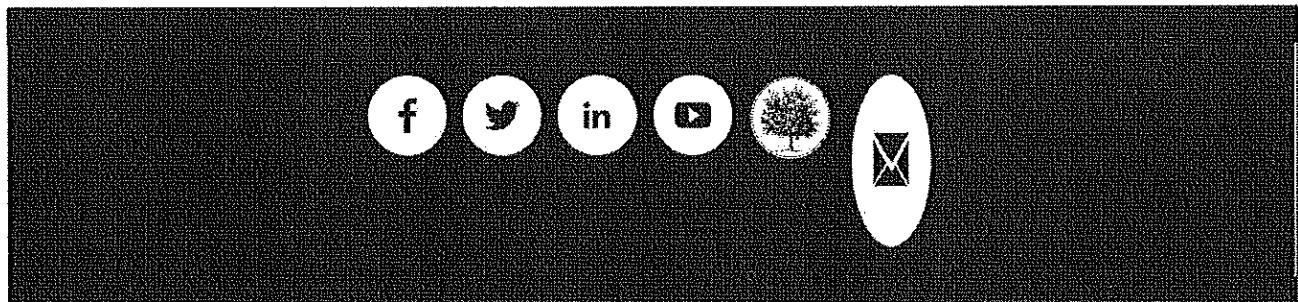
Reforms such as those found in Senate Bill 255, which would permit licensing only in clear cut and verifiable cases to ensure public safety, and reforms such as those found in House Bill 189, which would lower the number of hours needed for a cosmetology license from

1,500 to 1,000 (the same number of hours as required in New York) would make it easier for Ohioans to begin their careers, earn a living, and move ahead in their chosen field.

#

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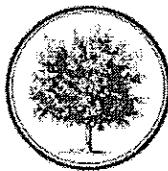
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However, due to Arthur Brooks' flight cancellation, we had to cancel our luncheon event with him today at noon at the Athletic Club of Columbus.

As a result, we still have 80 pre-paid meals that we are on the hook for.

It's pan seared chicken, red skin mashed potatoes, and asparagus. Brownies too.

In an act of simultaneous frugality and generosity, we invite all of you to join our Buckeye staff in a consolation lunch that is free to all comers today only.

Please come on over if you are in Columbus and would like to show your parents that they were wrong just this one time.

Again, free lunch on Buckeye. No obligation. No program to listen to.

Noon. Athletic Club of Columbus. Second Floor. Crystal Room. TODAY!

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Health Policy Institute of Ohio will host a webinar to share highlights from a recent publication, **Connections between Income and Health**. A panel of experts will discuss current state-level initiatives to improve incomes and employment opportunities for Ohioans.

Speakers include:

- › **Michael Evans**, Project Manager, Ohio Governor's Office of Workforce Transformation
- › **Greg R. Lawson**, Research Fellow, The Buckeye Institute
- › **Zach Reat**, Health Policy Analyst, Health Policy Institute of Ohio

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Health Policy Institute of Ohio
aclarkkirk@healthpolicyohio.org
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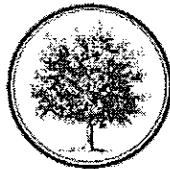


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THE BUCKEYE INSTITUTE

It's Time to Cut Ohio's Film Tax Credit

By Quinn Beeson and Tyler Shankel
March 23, 2018

It's not often that **The Buckeye Institute** agrees with **Policy Matters Ohio**, but when it comes to opposing the increase of the special interest motion picture tax credit, we do!

Policymakers are proposing increasing this special interest film tax credit, currently capped at \$40 million a year, to a whopping \$100 million annually and broadening it to include some Broadway productions, claiming that this tax credit will incentivize Hollywood and Broadway producers to set up shop in Ohio. What it really does is waste your tax dollars on a multi-billion-dollar industry that doesn't need handouts from Ohioans.

This proposal would cost **Ohio's General Revenue Fund** \$58 million and local government and public libraries an additional \$2 million annually. The Ohio Legislative

Service Commission has estimated that the bill will result in a \$60 million loss in total revenue per year.

One example of a state who has already gone through this issue is Massachusetts and its own film tax credit. According to **their annual report in 2011**, the spending cuts necessary to pay for the tax credit resulted in more than 1,400 lost jobs, so only 222 jobs were gained statewide, at a cost of \$325,000 each. In **their 2014 report**, they found the program actually destroyed more jobs than it created in 2010. From 2006 until 2014, this tax incentive has only generated \$0.14 in revenue for every dollar spent, costing Massachusetts \$471.6 million.

When alternative job creation policies are considered, it becomes clear that the inconsistencies and costs of such special interest tax credits makes them a poor policy choice, and all the supposed gains appear paltry in the face of smarter alternatives. In 2011, **North Carolina compared their film tax credit to an across-the-board reduction in taxes of the same value**. The incentive was estimated to have created 50-70 new jobs, while a business tax reduction would create 370-450 new jobs, cost the same, and benefit all businesses equally—not just well-connected filmmakers.

When it comes down to it, Ohio taxpayers should not be giving handouts to movie and Broadway producers. Extending this film credit will only hurt Ohioans and Ohio's businesses. Ohio policymakers should nix the film tax credit altogether, as we suggested the **last time** an increased cap was proposed, just two years ago.

Ohio taxpayers' hard-earned money would be better spent on projects that benefit the entire state, not just those benefiting the entertainment industry.

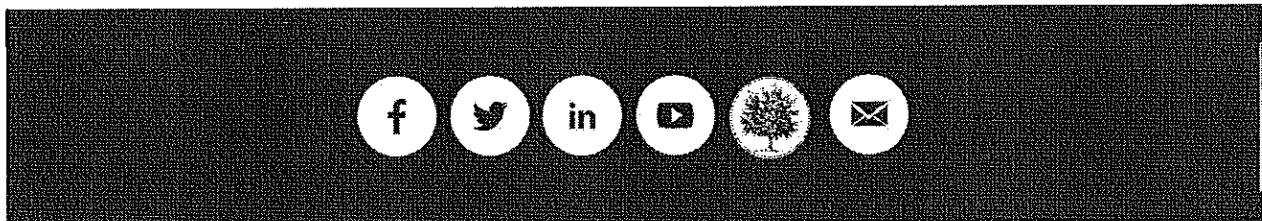
Quinn Beeson is an economic research analyst and Tyler Shankel is an economic policy analyst. Both are with The Buckeye Institute's Economic Research Center.

#

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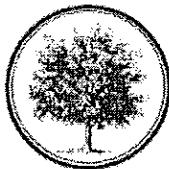
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March 23, 2018

The Buckeye Institute: Ohio's Unemployment Rate and Job Growth Moving in the Right Direction

Columbus, OH -- Andrew J. Kidd, Ph.D., an economist at The Buckeye Institute's **Economic Research Center** (ERC) commented on newly released employment data from the **Ohio Department of Job and Family Services**.

"Ohio's unemployment rate continued its downward trend from 4.7 percent in January to 4.5 percent in February, showing positive trends in the state's labor market. The report also revealed a relatively unchanged labor force participation rate, which implies that those who were searching for jobs found them. This is good news for job seekers.

"However, Ohio still sits above the national unemployment rate of 4.1 percent, and with a lower labor force participation rate than the national average. This shows that Ohio still

needs further reforms to create and sustain job growth, and one area ripe for reform is **occupational licensing**.

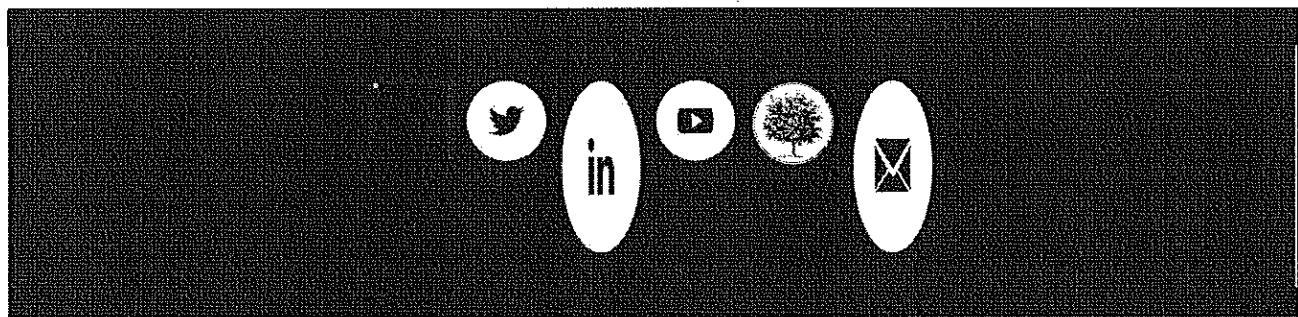
"Ohio experienced another great job creation month with a 19,600 increase in non-farm private employment in February 2018, more than double the growth from January 2018. This marks consistent gains over the past two months, indicating Ohio's labor market is continuing to expand. Nearly every sector experienced job growth, with substantial increases in manufacturing (2,900) and health care and social assistance (3,700). Employment in the health care industry will be important to responding to the health needs of an aging population in Ohio. Although there was a decrease in employment in arts, entertainment, and recreation, special interest tax credits for the entertainment industry are **not a cost-effective policy solution** to increasing growth in this industry.

"Ohio is continuing to see positive job growth path, yet an unchanged labor force participation rate is concerning as it shows some individuals are discouraged from job searching. Occupational licensing reform can reduce those disincentives, and, combined with eliminating special interest tax credits, will help Ohio to reach its goal of being a national leader in job creation."

#

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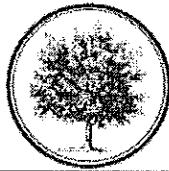
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THE BUCKEYE INSTITUTE

Robert Alt, president and chief executive officer, and Daniel J. Dew, legal fellow at The Buckeye Institute are featured speakers at the **Federalist Society's 2018 Ohio Lawyers Chapters Conference** on Friday, April 6.

The one-day conference still has a few spots left (register now to guarantee your seat at what promises to be a great event).

We hope you will consider attending, particularly if you have an interest in legal issues and/or either the Janus case or criminal justice reform-Robert's and Daniel's respective topics of discussion.

Friday, April 6, 10:30 a.m. - 5:00 p.m. at the Westin Columbus (310 High Street).

[Register](#)

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Buckeye's president and CEO Robert Alt will moderate the luncheon panel discussion on *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Alt attended oral arguments in the case, which were heard by the United States Supreme Court on February 26.

The case turns on the question of whether "agency fee" arrangements—which require workers to pay union fees to public sector unions to cover the unions' activities other than political action—violate the First Amendment.

The Buckeye Institute filed two **amicus briefs** in the case arguing that overturning *Abood v. Detroit Board of Education* is unlikely to cause significant decline in union membership or spending, with Alt saying that the case "has the potential to be one of the most important labor and free speech cases in the past 40 years."

The panelists are:

- William L. Messenger, staff attorney at the National Right to Work Legal Defense Foundation; and
- L. Camille Hebert, Carter C. Kissell professor of law at Moritz College of Law at The Ohio State University.

Buckeye's legal fellow Daniel Dew, author of "*Money Bail": Making Ohio a More Dangerous Place to Live*", will speak on the panel "Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?" The panel will look a range of issues including over-criminalization, prison reform, bail reform, and sentencing guidelines reform.

The panel will be moderated by the Honorable Sharon Kennedy, associate justice on the Ohio Supreme Court, and panelists are:

- Dave Yost, Ohio state auditor;
- Daniel J. Dew, legal fellow at The Buckeye Institute's **Legal Center**; and
- Heather Childs, vice president, compliance, Capital One.

The conference will also feature opening remarks by Chad A. Readler, acting assistant attorney general of the United States Department of Justice Civil Division, and will include panels on originalism, federalism, and analyzing Ohio's judicial system and the Ohio Supreme Court.

#

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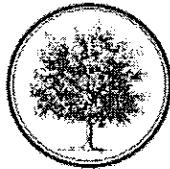
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FOR IMMEDIATE RELEASE
March 27, 2018

The Buckeye Institute Names Dr. Andrew Kidd as New Economist with its Economic Research Center

Columbus, OH -- The Buckeye Institute announced today that Andrew J. Kidd, Ph.D., has joined its **Economic Research Center** as a senior level economist. In this role, Kidd will conduct and produce original economic research that looks at and analyzes the impact of state and federal policies on peoples' lives and on the economy.

"We are pleased to have **Dr. Kidd** join our team and help lead our efforts to produce reliable economic research and data analysis that looks at how government policies and proposals impact state budgets and our wallets," said Robert Alt, president and chief executive officer of The Buckeye Institute. "This type of research is vital for policymakers around the country as they work to understand how their proposals will affect government revenues, economic growth, and job creation."

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A native Ohioan, Kidd received his bachelor's degree in economics and mathematics from the **University of Notre Dame** before completing his master's degree and his doctorate in economics from the **University of Wisconsin-Madison**. Kidd has served as a research assistant at the **UW Population Health Institute** at the University of Wisconsin-Madison, where he was involved in research that looked at the impact of premium policy changes to BadgerCare, Wisconsin's health care coverage program for low-income Wisconsin residents.

During his time at the University of Wisconsin-Madison, Kidd's research focus was in demography, education, labor outcomes, and the effects of public policy on labor, education, and health outcomes.

Tyler Shankel also joined Buckeye's Economic Research Center as an economic policy analyst. Shankel earned his bachelor's degree in economics and a minor in Persian from **The Ohio State University**. There, he worked on a comprehensive policy analysis project examining land tenure reform on Indian reservations, and other policy issues relating to economic development in Native American communities. He attended the **University of Colorado Boulder**'s economics doctorate program before returning to Columbus.

"Andrew and Tyler are great additions to our team and their work and research will benefit not just policymakers in Ohio and throughout the country, but it will benefit ordinary citizens who want to know how budgetary and tax policy proposals will affect them and pocketbooks," said Rea S. Hederman, executive director of the Economic Research Center and vice president of policy at The Buckeye Institute.

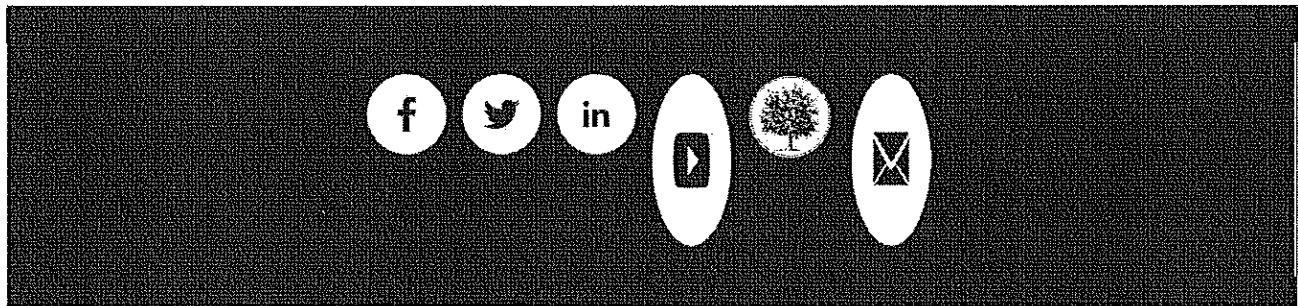
The Economic Research Center at The Buckeye Institute provides reliable economic research, data analysis, and econometric modeling at the state level. Using a macroeconomic dynamic scoring model -- developed by economists at the Economic Research Center -- ERC research shows how even small policy changes affect state budgets, citizens' pocketbooks, and individual behavior.

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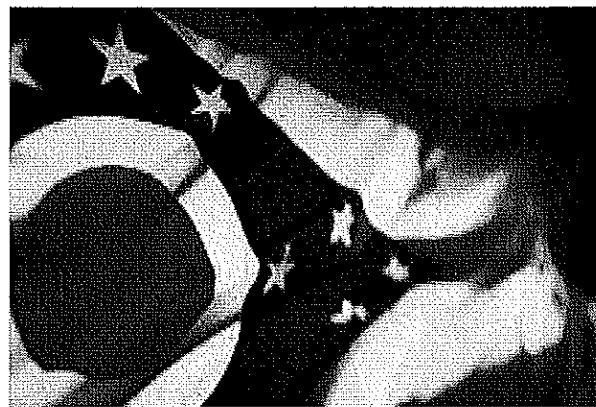
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April 6
2018 Ohio Lawyers Chapters Conference

10:30 AM - 5:00 PM

The Westin Columbus

The 2018 Ohio Lawyers Conference is now approved for **4.5 hours of CLE credit**. Reserve your spot now; beginning on April 4, the price will increase. This will also be the last Federalist Society event in Columbus until late May or early June; do not miss it.

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The complete schedule:

Opening Remarks

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

Introduction to Originalism and Federalism: Where Are the Courts Heading?

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil

Gorsuch's joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law
- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

Lunch Discussion: *Janus v Afscme*

Lunch Buffet: 12:15 PM - 12:30 PM

Discussion: 12:30 PM - 1:30 PM

Earlier this year the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case turns on the question of whether “agency fee” arrangements—which require workers to pay union fees to public sector unions to cover the unions’ activities other than political action—violate the First Amendment to the United States Constitution. The Supreme Court previously found such mandatory union fees to be constitutional in *Abood v. Detroit Board of Education* (1977). However, in 2016, the Supreme Court split 4-4 on this question in *Friedrichs v. California Teachers Association*. William L. Messenger, who delivered the oral argument on behalf of Mark Janus, will explain the legal arguments in favor of his client’s position. Professor Hebert will explain the legal arguments in favor of the union’s position. Mr. Messenger and Professor Hebert will also discuss how public sector unions could be impacted if the Supreme Court finds agency fee arrangements to be unconstitutional.

- **L. Camille Hebert**, Carter C. Kissell Professor of Law, Moritz College of Law at Ohio State University

- **William L. Messenger**, Staff Attorney, National Right To Work Legal Defense Foundation
- **Robert Alt**, President and Chief Executive Officer, The Buckeye Institute (**Moderator**)

Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Heather Childs**, Vice President, Compliance, Capital One
- **Daniel Dew**, Legal Fellow, Buckeye Institute
- **Hon. Dave Yost**, Ohio State Auditor
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

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Analyzing Ohio's Judicial System and the Ohio Supreme Court

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in

cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court
- **Hon. Melody Stewart**, Eighth District Court of Appeals
- **Douglas R. Cole**, Partner, Organ Cole LLP (**Moderator**)

Reception

4:30 PM ~ 5:30 PM



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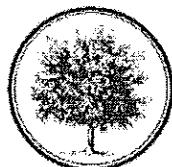
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The Buckeye Institute Reacts to Proposed Increase to Ohio's Overtime Threshold

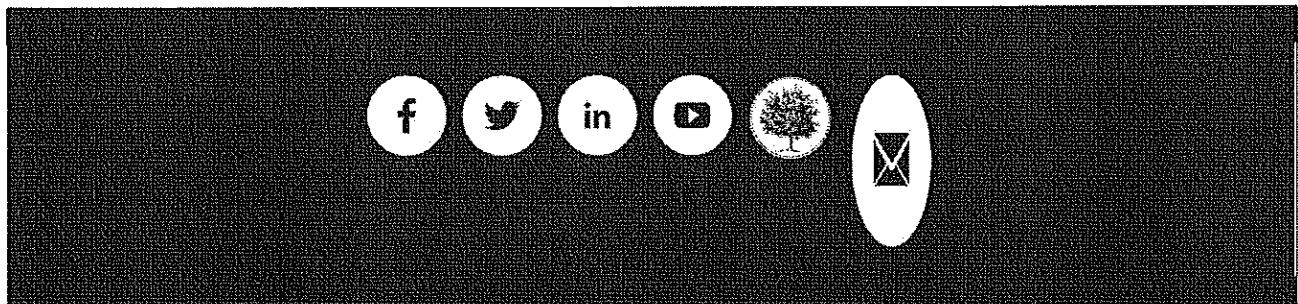
Columbus, OH -- The Buckeye Institute issued the following statement regarding the proposal to raise the threshold for salaried employees to be eligible for overtime.

"All Ohioans should earn a fair wage for the work they do. Unfortunately, this proposed increase to the overtime threshold will not accomplish this laudable goal. Employers will look for ways to ensure there are no net increases to their employee costs, including lowering base salaries and layoffs," said Greg R. Lawson, research fellow at The Buckeye Institute. "The real answer to stagnating wages in Ohio is to create more jobs and higher paying jobs. This will empower workers to be able to find alternative employment if they are not being given a fair shake by their current employer."

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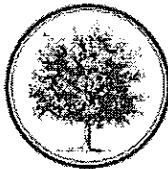
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THE BUCKEYE INSTITUTE

Ending Burdensome Regulations is a Promise Ohio Leaders Should Make Today

By Greg R. Lawson
April 4, 2018

Every Ohioan deserves the opportunity to build a better life for themselves and their family, and few things have a greater impact on that than a growing economy.

Unfortunately, while the **latest Ohio job numbers** were solid, private-sector job growth remains below the national average and recent **research from The Ohio State University** found that "Ohio has witnessed a steady decline in its economic well-being, compared to the nation as a whole, for more than 60 years."

And while there are no silver bullet solutions to Ohio's job challenges, rolling back government red tape, particularly in the area of occupational licensing, can remove barriers to job opportunities and career advancement. As our President Robert Alt **has**

said of the burden imposed on Ohioans by the presence of too many rules, "This isn't just a story of the number of regulations, this is a story of people."

A **Gordian Knot** of rules hampers the prosperity of too many Ohioans as they become lost in a maze of rules, regulations, and government permission slips. Take **Jennifer McClellan** as an example.

Despite years of training and work experience in Minnesota, the Ohio State Medical Board denied Jennifer an Ohio license. According to the Board, she was ten days shy of the state's training requirements. The board failed to consider Jennifer's years of work experience and refused to honor the license she had already earned in Minnesota. All Jennifer wanted to do was be closer to family and earn a living doing what she was passionate about. She was denied.

Or consider the experience of Dawn Hochwalt, a salon manager from Dayton, Ohio who sees first-hand how Ohio's burdensome regulations impact her employees and her business, with little to no benefit to public health and safety. She also sees the impact the rising costs of cosmetology school has on her colleagues whose wages are being garnished to repay student loans. As Hochwalt said recently, "When I was in school it cost around \$6,000 to go to school and get a license, now that cost is \$20,000 or more. That debt is putting a tremendous burden on young people and the 1,500 hours they need to earn their license means they are not able to get on the salon floor to earn a living and pay off their debt."

With every story like those of Jennifer and Dawn -- people who are blocked from prospering by government rules -- we are all poorer.

Some progress has been made. The Common Sense Initiative has begun to deal with regulatory overreach, prevent bad rules from going forward, and pared others down. However, the fact that all too many rules have yet to be wiped from the books represents a missed opportunity to be bolder and go further.

Worse, it is not clear that there is any stopping the continued growth of Ohio's rulebook -- the Ohio Administrative Code. Occupational licensing bills, for example, **continue to proliferate**, which will add yet more regulations on Ohioans.

This is illustrated by the recently released report from the Mercatus Center at George Mason University, **A Snapshot of Ohio Regulation in 2018**. This study found Ohio to be one of the most heavily regulated states, with nearly 247,000 restrictions, which far outpaces neighbors like Michigan, Pennsylvania, Kentucky, and West Virginia.

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As The Buckeye Institute has shown in our studies, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back and Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, licensing hurts young and minority Ohioans at a disproportionate level. It forces them to comply with permission-slip policies that force them to obtain a piece of paper emblazoned with the word "license" just to make a living.

Ending these permission-slip policies is a promise that Ohio leaders should make today.

One way to do this is by pursuing policies that cut red tape, such as:

1. Embrace a stronger direction for the Common Sense Initiative so that it more aggressively rolls back burdensome rules that do little to nothing to protect Ohioans.
2. Empower the Joint Committee on Agency Rule Review in ways such as those found in **current legislation** to ensure that regulations are regularly reviewed especially upon evidence of adverse impacts.
3. Ensure regulators are continually reviewing regulations by enacting a cap on new regulations such as the elimination of two rules for every new rule imposed. Leaders could also implement the Canadian province of British Columbia's regulatory cap policy that achieved a 37 percent reduction of regulatory requirements.
4. Make it the official policy of the state to seek the least restrictive form of regulation when a rule is necessary to protect the health and safety of Ohioans.
5. Give the General Assembly **greater tools** over licensure through a robust sunset review for existing licensure laws and a sunrise process for newly proposed licenses.

Calls for occupational licensing and regulatory reform have bi-partisan support. For example, calls to institute a regulatory reform have been made by leaders like Senate President Larry Obhof and echoed by Attorney General Mike DeWine, while reforms to occupational licensing has both Republican and Democrat champions. This is a positive sign but only the beginning of what is required.

All too often, Ohio creates permission-slip policies that make it harder -- and sometimes impossible -- for Ohioans to pursue their careers and put food on the table for their families. Such policies must end.

Greg R. Lawson is the research fellow at The Buckeye Institute.

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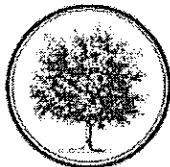
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THE BUCKEYE INSTITUTE

Ohio Should Avoid Following Michigan's Bad Energy Policy

By Quinn Beeson
April 5, 2018

Several states, including our neighbor Michigan, have recently proposed increasing their respective renewable energy mandates, which will end up costing consumers more money on their electric bills and slow renewable energy innovation in their states.

In Ohio we have a chance to avoid these problems, help consumers save money on their energy bills, and encourage investors who have innovative ideas for renewable energy. As Ohio continues to debate its Renewable Portfolio Standards (RPS), legislators should focus on the best way to achieve these goals, which begins with repealing the RPS. This will encourage renewable energy innovation, create more job opportunities, and lower electricity bills across Ohio.

Unfortunately, these goals have gotten lost in the RPS debate, and so has the cost of burdensome regulations and mandates. Higher electricity bills are not the only costs Ohioans will be forced to bear as a result of these mandates. As our report *The Impact*

of Renewable Portfolio Standards on the Ohio Economy shows, even if the RPS mandate was repealed immediately, Ohio has already experienced a decrease in new job opportunities and economic growth. Increasing the mandate would only worsen the damage.

Fortunately, there is a solution for consumers, Ohio's economic growth, and for the renewable energy industry. Eliminating burdensome regulations and forced government mandates would unleash innovation in the energy sector, including renewables. This innovation would enable the renewable energy market to grow and flourish, which would lead to lower prices for consumers. These changes would also attract energy producers to Ohio, which would bring much needed jobs to the state.

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With RPS mandates in place, however, renewable energy investors have little-to-no incentive to innovate. Rather, their focus is on lobbying policymakers to implement more government mandates to increase their profits. Without RPS mandates, investors would focus on creating better products and services, thus improving the renewable energy industry in Ohio and ultimately decreasing electricity prices.

Ohio should open its doors to clean energy by repealing energy mandates, getting rid of overly burdensome regulations, and eliminating taxpayer subsidies to any energy company -- whether it's clean energy or fossil fuel. Rather than increasing the RPS mandate, like our neighbors up north, Ohio policymakers should repeal the mandate and allow all energy providers to compete fairly for consumers.

Quinn Beeson is the economic research analyst at The Buckeye Institute's Economic Research Center.

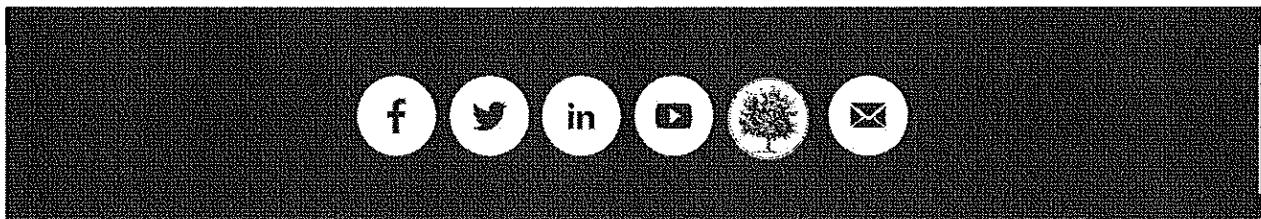
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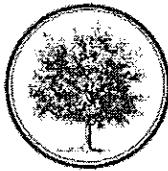
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April 10, 2018

The Buckeye Institute Identifies \$1.8 Billion in Tax Loopholes that Should be Closed

Columbus, OH -- The Buckeye Institute today released a **list of \$1.8 billion in tax loopholes** that should be reviewed by the Ohio's Tax Expenditure Review Committee and considered for elimination to simplify Ohio's tax code and reduce Ohio's tax rate. Eliminating these loopholes without reducing the tax rate would be a tax increase on the citizens of Ohio.

"Ohio has made progress in recent years to improve the state's tax system. Yet, more can be done to build on that success and to further strengthen Ohio's job creation climate," said Greg R. Lawson. "That is why the work of the Tax Expenditure Review Committee is so important. By closing the loopholes we have identified, policymakers will be able use those savings to lower tax rates to keep Ohio's economy growing."

The Buckeye Institute recommended closing **20 loopholes** that total \$1.8 billion in savings which should be used to reduce Ohio's tax rate, including:

- The notorious NetJets loophole for those who buy shares of corporate jets;
- The **motion picture tax credit**, which has been **eliminated** in other states;
- Credits for political campaign contributions; and
- The job retention and creation tax credits that favor one business over another.

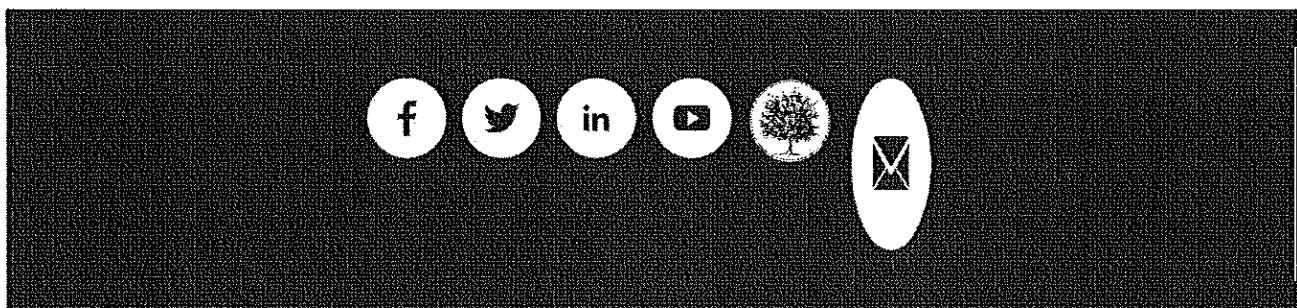
Tax expenditures, or loopholes, no matter how well intentioned, add complexity to Ohio's tax code and favor specific groups over others. As outlined in Buckeye's *Tax Reform Principles for Ohio*, a simpler, flatter tax code that allows all businesses to compete on an equal playing field should be the goal of Ohio policymakers.

The Buckeye Institute first called for the creation of the review committee in 2011, when, along with the Center for Community Solutions and the Greater Ohio Policy Center, it identified **20 loopholes** that should have been closed.

#

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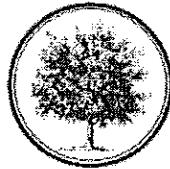
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From: The Buckeye Institute
Sent: Wednesday, April 11, 2018 10:23 AM
To: Rep48
Subject: The Buckeye Institute: Emergency Workers Who Help Ohio in Times of Disaster Should be Thanked Not Burdened with Red Tape

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Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
April 11, 2018

The Buckeye Institute: Emergency Workers Who Help Ohio in Times of Disaster Should be Thanked Not Burdened with Red Tape

Greg Lawson Testifies Before Ohio Senate Ways and Means Committee on House Bill 133

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or [download a PDF](#)) before the Ohio Senate Ways and Means Committee on House Bill 133.

In his testimony, Lawson outlined the onerous nature of Ohio's "byzantine local tax policies and its arcane occupational licensing regime" and questioned why Ohio would extend "its failed policies to men and women from other states who have come to help restore our power, our water, and rebuild our infrastructure in the days after a disaster."

Noting that there is consensus across the political spectrum that occupational licensing "hurt[s] workers and make[s] it more difficult for people to work in their chosen professions," Lawson pointed out that "our state's outmoded tax and licensing policies are even more absurd and risk even harsher consequences when imposed upon out-of-state rescue and emergency personnel coming to lend Ohio a helping hand."

Lawson closed calling the exemptions "necessary and proper," saying, "Once policymakers recognize the necessity and propriety of exempting non-Ohioans from these nettlesome policies, The Buckeye Institute hopes that Ohioans will soon get some much-needed relief from this broken system, too."

#

**Interested Party Testimony Submitted on House Bill 133
Before the Ohio Senate Ways and Means Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
April 11, 2018**

Thank you, Chairman Eklund, Vice Chair Terhar, Ranking Member Williams, and members of the Committee for the opportunity to testify today regarding House Bill 133 and the tax and regulatory exemptions for out-of-state emergency-response personnel.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

House Bill 133 exempts out-of-state workers from most of Ohio's state and local taxes if they are here responding to a Governor-declared state of emergency. The bill also rightly exempts such workers from state and local occupational licensing requirements. Given Ohio's byzantine local tax policies and its arcane occupational licensing regime, these exemptions are necessary and proper.

According to the Tax Foundation, a leading non-partisan tax research organization, Ohio has the unfortunate distinction of owning the worst municipal income tax system in the country.^[1] Ohio also boasts some of the nation's most stringent occupational licensing requirements -- requirements that The Heritage Foundation^[2], the Brookings Institute^[3], and even the Obama^[4] and Trump administrations^[5] have all agreed hurt workers and

make it more difficult for people to work in their chosen professions. Our state's outmoded tax and licensing policies are even more absurd and risk even harsher consequences when imposed upon out-of-state rescue and emergency personnel coming to lend Ohio a helping hand.

The Buckeye Institute's *Ohio Illustrated: A Visual Guide to Taxes and the Economy*,^[6] co-authored by the Tax Foundation, highlights the complexity and burdens of Ohio's local tax system currently imposed on out-of-state emergency responders who are here only to help. Not content to impose its onerous tax and licensing schemes on its own citizens, Ohio extends its failed policies to men and women from other states who have come to help restore our power, our water, and rebuild our infrastructure in the days after a disaster. A simple "thank you" would likely be more appreciated.

As The Buckeye Institute's **Economic Research Center** has explained repeatedly,^[7] Ohio's occupational licensing requirements -- essentially government permission slips to go to work in the morning -- do not work for Ohioans, so one can only wonder why such requirements would ever work for *non*-Ohioans trying to relieve our communities hit hardest by some natural disaster. The fact is, of course, they won't.

House Bill 133's exemptions are both necessary and proper. Necessary: because when Ohio takes a devastating blow and must rebuild communities after floods, tornados, or winter storms, the last thing those communities should have to endure is bureaucratic red-tape preventing would-be responders from turning on the electricity or restoring potable drinking water while they wait for their licenses to clear. And proper: because sending a petty, unexpected tax bill to those who left the safety and comfort of their own home-states to help rescue ours is no way to show gratitude.

Once policymakers recognize the necessity and propriety of exempting non-Ohioans from these nettlesome policies, The Buckeye Institute hopes that Ohioans will soon get some much-needed relief from this broken system, too.

Thank you for your time and I look forward to responding to any questions that you might have.

[1] Scott Drenkard and Greg R. Lawson, *In State Tax Battle, the Tar Heels Soar Above the Buckeyes*, Forbes, September 23, 2013.

[2] Salim Furth, *Costly Mistakes: How Bad Policies Raise the Cost of Living*, The Heritage Foundation, November 23, 2015.

[3] Morris M. Kleiner, *Reforming Occupational Licensing Policies*, The Hamilton Project, March 2015.

[4] The White House, *Occupational Licensing: A Framework for Policymakers*, July 2015.

[5] Secretary of Labor Alexander Acosta, Speech before the 44th Annual Meeting of the American Legislative Exchange Council, U.S. Department of Labor, July 21, 2017.

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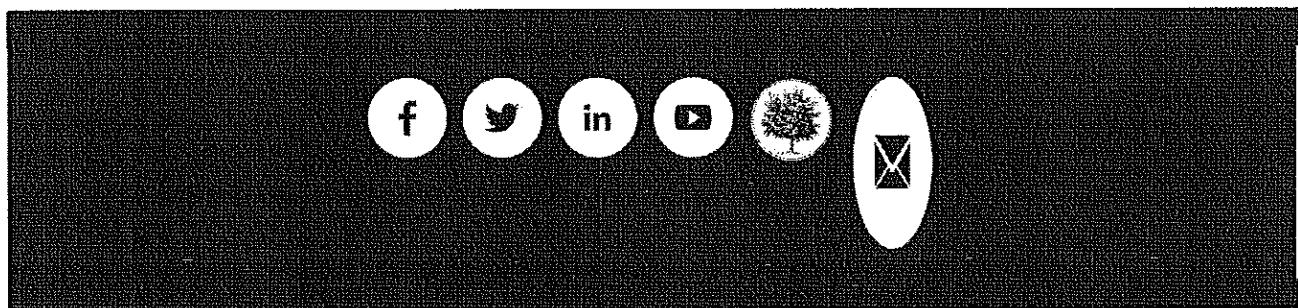
[6] *Ohio Illustrated: A Visual Guide to Taxes and the Economy*, The Buckeye Institute and The Tax Foundation, June 7, 2017.

[7] Orphe Pierre Divounguys, PhD, Bryce Hill, and Greg R. Lawson, *Still Forbidden to Succeed: The Negative Effects of Occupational Licensing on Ohio's Workforce*, The Buckeye Institute, December 18, 2017; and Tom Lampman, *Forbidden to Succeed: How Licensure Laws Hold Ohioans Back*, The Buckeye Institute, November 18, 2015.

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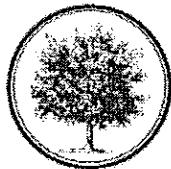
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THE BUCKEYE INSTITUTE

Burdensome Occupational Licensing Requirements is Causing a Real Problem for Women

By Lisa A. Gates
April 12, 2018

Proponents of occupational licensing often claim that the reason we need licensing is to protect citizens -- both their health and safety. And protecting people is of paramount importance. But what if public health and safety aren't at risk? Or what if licensing requirements in one profession are completely out of line with a profession where workers are entrusted with peoples' actual lives?

That is what is happening with the debate over cosmetology licensing. As was recently pointed out in *The Columbus Dispatch*, "In Ohio, you can be an emergency medical technician after completing 800 hours of training, a police officer after 695 hours and a licensed practical nurse after 1,376 hours. And to sit for a licensing exam to cut hair? Would you believe 1,500 hours of training?"

Given these facts, it is apparent that public safety is hardly a legitimate concern when it comes to licensing cosmetologists.

There is a proposal to lower the number of training hours for a cosmetology license to 1,000 - the same as required in New York City. Opponents claim that this would hurt women and question if supporters of the change "have a women problem." This would be laughable, if the proposed change was not so important to women who want to enter the cosmetology profession to earn a better living for themselves and their families. The real problem for women is the skyrocketing costs and unnecessary time it takes to get a cosmetology license.

By lowering the hours required for a cosmetology license to the same as it is in New York City, Ohio would help women save money on school costs so they can begin their careers. As Dawn Hochwalt, a salon manager from Dayton, Ohio, said, "When I was in school it cost around \$6,000 to go to school and get a license, now that cost is \$20,000 or more. That debt is putting a tremendous burden on young people and the 1,500 hours they need to earn their license means they are not able to get on the salon floor to earn a living and pay off their debt."

And cosmetology jobs are growing. According to the **Bureau of Labor Statistics**, job opportunities for cosmetologists will grow by 13 percent by 2026. However, with the barriers Ohio is putting in the way, these jobs will go unfilled and this growth in jobs will disappear.

If policymakers want to help women, be family-friendly, and help jobs and businesses grow they must remove barriers for people, particularly women, to pursue the careers of their choice.

Lisa A. Gates is the vice president of communications at The Buckeye Institute.

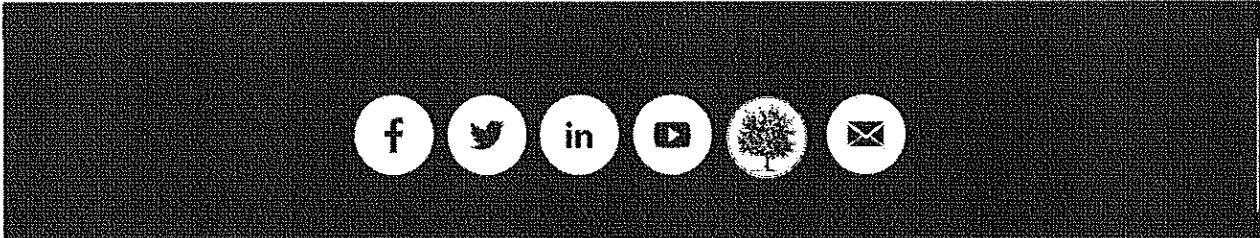
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From: Heartland Government Relations
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To: Rep48
Subject: The Leaflet: Wisconsin and the White House Put Welfare to Work



Putting Welfare to Work

On Tuesday, President Donald Trump and Wisconsin Gov. Scott Walker (R) separately initiated important welfare reforms. The reforms address different welfare systems but have the same goals: promoting a culture of work and self-sufficiency among welfare recipients and restoring government back to its proper role.

Trump's executive order aims to reform the bloated, multi-billion-dollar national welfare system, which has strayed far beyond its initial mission to assist the most vulnerable and help them become self-sufficient. Trump believes current welfare programs, which President Barack Obama vastly expanded, breed government dependence, contribute to family breakdown, and perpetuate the poverty cycle.

Trump's executive order outlines several "Principles of Economic Mobility," including: (1) adding work requirements for welfare eligibility and strengthening existing ones; (2) streamlining services and consolidating duplicative programs to reduce bureaucracy; and (3) encouraging private enterprise and local solutions to combat poverty.

The executive order states the federal government should invest in workforce development programs and grant to state and local governments more flexibility in how they design and

implement welfare programs. It also instructs officials across government departments to review all welfare regulations to ensure they align with the principles in the executive order and to recommended regulatory changes, if needed.

In Wisconsin, Walker signed nine welfare reform bills into law. These bills constitute the Wisconsin Works for Everyone reform package, which Walker has been promoting over the past year. The Wisconsin reform measures will: (1) extend work or job training requirements to able-bodied adults with school-aged children; (2) request a waiver from the federal government to create a health savings account for Medicaid beneficiaries; and (3) establish asset restrictions for recipients of food stamps and child care subsidies.

In 2015, Wisconsin was given an “A” grade in Heartland’s *Welfare Reform Report Card*. In January 2018, John Nothdurft, director of government relations, testified in support of the reform bills in a Wisconsin joint committee hearing.

As welfare rolls in the Badger State decrease, Wisconsinites can expect stronger economic growth, a lower unemployment level, and the availability of additional state funds that could be used to address pressing needs, such as infrastructure redevelopment and education.

To learn more about free-market, pro-liberty solutions, read The Heartland Institute’s *Ten State Solutions to Emerging Issues*. This concise booklet provides several solutions to state lawmakers interested in fixing their welfare programs, which have become a colossal strain on the limited budgets of most states. Solutions include work requirements, consolidating redundant agencies, eliminating fraud and abuse, and applying for 1115 demonstration waivers to give states flexibility in administering Medicaid.

What We're Working On

Education

Nevada Educational Choice Scholarship Program Saves Taxpayer Dollars, Increases Per-Pupil Funding

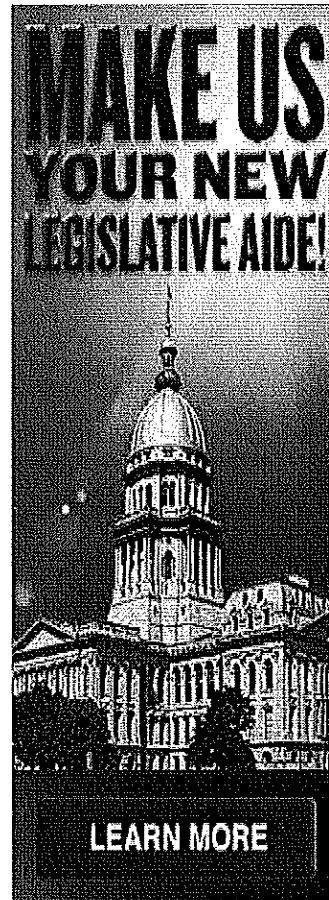
In this *Research & Commentary*, Heartland Policy Analyst Tim Benson writes about a new fiscal analysis of Nevada's tax-credit scholarship program by the Nevada Policy Research Institute. The program saves \$1.14 in state education funding in fiscal year 2018 for every dollar in Modified Business Tax revenue lost from scholarship contributions. The savings accrued from the expansion of the program to 25,000 students, just 5 percent of statewide public school enrollment, would be the equivalent of adding \$116 million in education funding.

Energy & Environment

New England Imported Natural Gas from Russia This Winter
In this article for *Environment & Climate News*, Joe Barnett, a program development consultant with the Beacon Hill Institute, writes that during the recent severe winter in the Northeastern United States, utilities had to import natural gas from Russia to heat homes and keep electricity running. New England utilities purchased Russian gas instead of cheaper, domestically produced natural gas because state governments in the Northeast have blocked various efforts to expand natural gas pipelines in the region. Additionally, perverse federal rules, primarily the Jones Act, make transporting domestic commodities and energy unnecessarily difficult and expensive.

Health Care

Pennsylvania Considers Lowering Restrictions on Telemedicine
In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines a Pennsylvania proposal that would dramatically expand telemedicine services. The bill would increase access to health care by clearly defining "telemedicine" and initiating reimbursement parity. "Telemedicine has the potential to provide routine health care services to more people at a lower cost than traditional in-person delivery. Unfortunately, unnecessary and burdensome government regulations continue to stifle access to telemedicine services for many Americans. Telemedicine reform



POLICY NEWSPAPER

efforts in states such as New Jersey, Pennsylvania, Texas, and Vermont are a positive move toward making telemedicine more widely available,” wrote Glans.

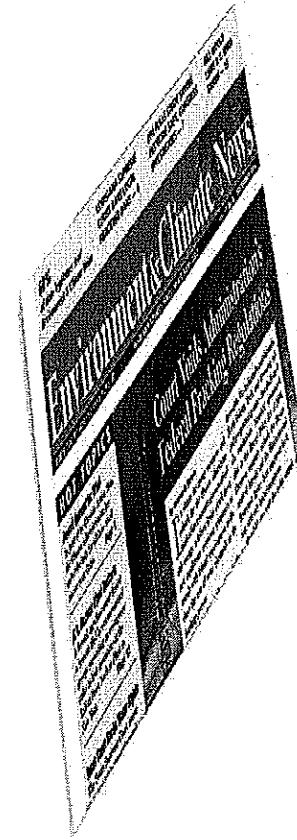
Budget & Tax

Gov. Murphy’s Tax Hikes Would Create Large Burden for New Jersey’s Economy

In this *Research & Commentary*, Glans examines a series of proposed tax hikes in New Jersey that would negatively impact the state’s already floundering economy. “Instead of increasing taxes on higher earners and entrepreneurs and relying on sin taxes, New Jersey’s elected officials should focus on making the state a more attractive place for businesses and workers, a goal that would best be accomplished by restraining spending, lowering tax rates, and reducing unnecessary regulations,” wrote Glans.

From Our Free-Market Friends

Buckeye Institute Identifies Tax Loopholes that Should Be Closed
A new report shows the Ohio tax code contains nearly \$2 billion in loopholes, according to researchers at The Buckeye Institute. To circumvent these tax gimmicks, the researchers recommend closing 20 loopholes that annually equate to \$1.8 billion in lost revenue and simultaneously reducing the state’s tax rate. Some of the more ludicrous loopholes include a tax credit for political campaign contributions, a credit for those who buy shares of corporate jets, and the motion picture tax credit. The researchers contend tax loopholes add complexity to Ohio’s Gordian knot tax code and favor elites and politically connected groups—all at the expense of ordinary taxpayers.



In the April issue of *Environment & Climate News*, H. Sterling Burnett reports on the latest carbon-dioxide tax bill to fail, this time in Washington state. To the dismay of Washington Gov. Jay Inslee, sponsors of Senate Bill 6023 withdrew it from consideration. The bill would have levied a tax of

\$12 per metric ton of carbon emissions on the sale or use of fossil fuels, with gradual increases of the tax until it reaches \$30 per metric ton.

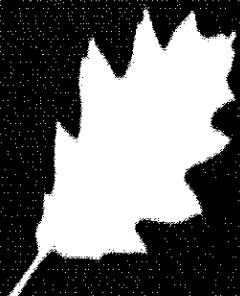
School Reform News

Budget & Tax News

Health Care News

The Heartland Institute

The Heartland Institute, founded in 1984, is a national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.



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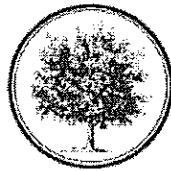
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From: The Buckeye Institute
Sent: Wednesday, April 18, 2018 2:55 PM
To: Rep48
Subject: The Buckeye Institute Praises Effort to Continue Rolling Back Red Tape



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
April 18, 2018

The Buckeye Institute Praises Effort to Continue Rolling Back Red Tape

Columbus, OH -- The Buckeye Institute issued the following statement on legislative proposals designed to reduce regulatory burdens on Ohioans.

"Senate President Larry Obhof and the leadership of both chambers should be commended for continuing to go after red tape that strangles Ohio businesses and makes it difficult for people to begin working in the career of their choice.

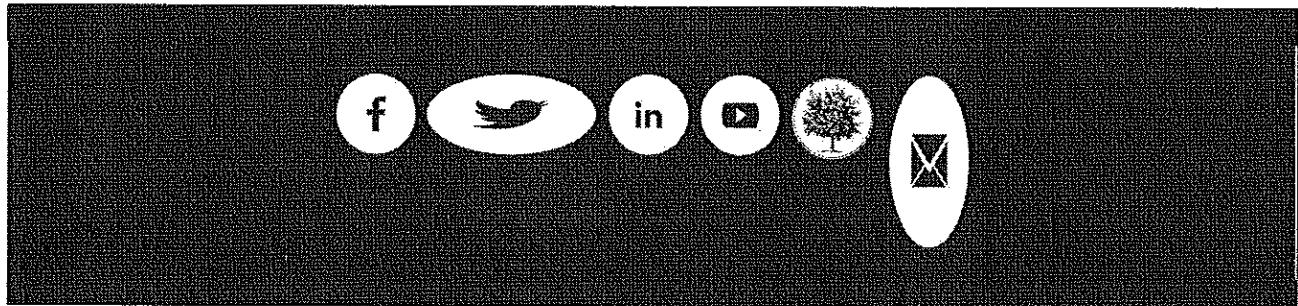
"The Buckeye Institute has long called for **eliminating duplicative and unnecessary regulations** that do little-to-nothing to protect public health and safety and prevent Ohioans from creating jobs and **beginning new careers**. The proposals being considered by Senators Peterson, McColley, and Wilson and Representative Roegner are a step in the right direction.

"By tracking and reducing onerous regulations that do not affect public safety, Ohio can create a stronger economy much like the results seen in **British Columbia, Canada and New Zealand**."

#

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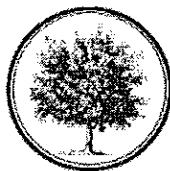
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From: The Buckeye Institute
Sent: Friday, April 20, 2018 11:01 AM
To: Rep48
Subject: The Buckeye Institute: Ohio's Job Market Shows Positive Signs, Further Reforms Needed to Make Ohio a National Leader



THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms
(614) 224-3255 or Lisa@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
April 20, 2018

The Buckeye Institute: Ohio's Job Market Shows Positive Signs, Further Reforms Needed to Make Ohio a National Leader

Columbus, OH -- Andrew J. Kidd, Ph.D., the senior economist with the Economic Research Center at **The Buckeye Institute** commented on newly released unemployment data from the **Ohio Department of Job and Family Services**. (Click [here](#) to download the audio file.)

"Ohio's unemployment rate fell slightly to 4.4 percent, down from 4.5 percent in February. This continued trend, combined with a similar labor force participation rate, is a positive indicator that Ohio's job market is allowing individuals who desire jobs to get jobs. However, Ohio has yet to reach the national unemployment rate of 4.1 percent. This, as well as a labor force participation rate lower than the national average shows that Ohio still has work to do. The right reforms, such as **closing tax loopholes** and **removing unnecessary barriers to employment** through occupational licensing, would create opportunities for sustained job growth.

"Ohio continued to experience positive job growth with 8,600 new jobs in non-farm private employment. Coupled with January and February's job growth, more than 37,000 Ohioans have found jobs this year alone, which shows that Ohio's job market is still expanding. The growth in construction and manufacturing jobs (1,200 jobs and 1,500 respectively), is a

positive sign for economy-wide growth, and with the potential implications of tariffs will be important to watch in the coming months.

"Ohio in 2018 has experienced positive job growth. Yet, another month of an unchanged labor force participation rate once again implies that some individuals are still not searching for jobs. Reforms to occupational licensing, and an end to preferential tax credits to only certain industries would further expand Ohio's job market and help Ohio reach its goal of being a national leader in job creation."

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From: Heartland Institute: Jim Lakely
Sent: Friday, April 20, 2018 5:02 PM
To: Rep48
Subject: Heartland Institute is coming to Ohio. We hope to see you at these events.



Americans for Prosperity American Pay Raise Tax Reform & Job Growth

WHAT: AFP-Ohio Presents:
American Pay Raise - Tax
Reform and Job Growth

WHEN: Monday, April 23 from
6:00 p.m. to 7:45 p.m.

WHERE:
Strongwater Event Space
401 W. Town St.
Columbus, OH 43215
[RSVP TODAY](#)

WHAT: AFP-Ohio Presents:
American Pay Raise –
Millennials and Tax Reform

WHEN: Thursday, April 26 from
6:00 p.m. to 7:30 p.m.

WHERE:
The Butcher and Barrel
700 Race St.
Cincinnati, OH 45202
[RSVP TODAY](#)

Millions of Americans are keeping more of their hard-earned paychecks thanks to the American Pay Raise, otherwise known as tax reform.

But now what?

Wondering how exactly the American Pay Raise benefits you? Curious about how we can preserve tax reform's positive benefits going forward?

Wonder no more!

Join AFP-Ohio, the Buckeye Institute and the Heartland Institute on Monday, April 23 for an exciting forum on the impacts of lower taxes on job and economic growth, and an opportunity to network with like-minded professionals!

This is a great opportunity to network with like-minded young professionals and learn more about how tax reform affects you!

But wait, there's more!

On Thursday, April 26, AFP-Ohio, the Buckeye Institute, and the Heartland Institute will also be hosting an event discussing the effect of the American Pay Raise on millennials.

You'll learn what the American Pay Raise means for the current generation and how we can preserve tax reform's benefits going forward.

Hope to see you there!

Register for the 26th!



**AMERICANS FOR
PROSPERITY**



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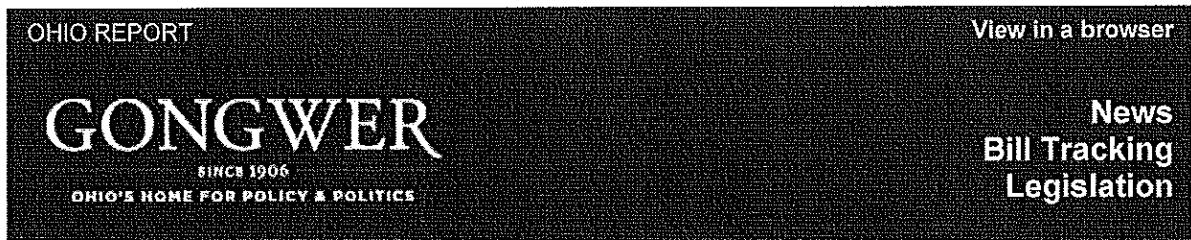
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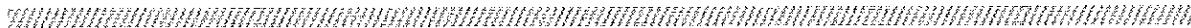
Heartland Institute: Jim Lakely
The Heartland Institute
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Arlington Heights, IL 60004

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Attachments: 180420dayplan.htm; Apr20.htm; 180420plan.htm



OHIO REPORT FRIDAY, APRIL 20



**Energy Standards Bill Timeline Unclear As Another Wind Setback
Proposal Is Introduced**

State Unemployment Drops To Lowest Level In More Than 16 Years

**Senator Backing Medical Marijuana Audit Bill Supports Review By
Commerce Department**

High Court To Hear Traffic Camera Case

Candidates Stress Experience In House District 26 Primary

OPA: Pharmacists Can Serve As Educators In Opioid Struggle

**Medical Pot Program Halt Rejected; Complaint Against DeWine
Dismissed; No New Trial For Beck; Buckeye Institute Weighs In On
Case...**

Issue 1 Backers Tout Endorsements; Cordray Takes Credit For Wells Fargo Fine; Yuko Calls For Action On Guns...

Sheehy Calls For Further Action On Ag Runoff; OEC Proposes Toxic Chemical Protections

Ohio Lands \$26 Million In Federal Opioid Funding; Senators Applaud Disaster Request Approval...

Chamber Of Commerce Endorses Issue 1; P&G, Key, More Report Financial Results; Toledo Businesswoman Added To SBAC

Governor's Appointments

Supplemental Agency Calendar

CALENDARS

Day Planner

Event Planner

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Daily Activity Planner for Saturday, April 21- Monday, April 23 Legislative Committees

No legislative committees scheduled.

Agency Calendar

Monday, April 23

**Controlling Board, North Hearing Rm., Senate Bldg., Columbus, 1:30 p.m.
Human Trafficking Commission, 18th Fl., 150 E. Gay St., Columbus, 2 p.m.**

Event Planner

Saturday, April 21

**YMCA Youth & Government High School State Assembly 2, Statehouse,
Columbus**

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Volume #87, Report #77 -- Friday, April 20, 2018

Energy Standards Bill Timeline Unclear As Another Wind Setback Proposal Is Introduced

Senate President Larry Obhof this week referred to ongoing talks over the state's energy standards and wind turbine setback revisions as "a long-term project."

The remark lends further uncertainty to the timeline in which Senate Republicans hope to roll out a substitute bill on a measure (HB 114) that in its current form waters down the state's renewable and energy efficiency benchmarks.

Earlier this month, Sen. Obhof had predicted a sub bill could be ready "in the next few weeks." (See Gongwer Ohio Report, April 6, 2018)

But asked this week about the Senate's priorities in the coming weeks, Sen. Obhof (R-Medina) said: "We've talked a number of times about energy, and particularly 114 probably now is a long-term project."

Sen. Obhof had previously labeled the measure a priority for the first part of the year but the timeline has been pushed back at every juncture as lawmakers grappled with a congressional redistricting ballot issue (SJR 5), the capital budget (HB 529) and other pressing proposals.

Sen. Bill Beagle (R-Tipp City) and Sen. Troy Balderson (R-Zanesville) are spearheading talks on that sub bill but have said the timeline and the extent of the changes to the legislation remain unclear. The caucus has yet to reach a consensus on the plan the senators presented behind closed doors last month. (See Gongwer Ohio Report, March 23, 2018)

Changes to loosen the state's setbacks for wind turbines are expected to be a component of the sub bill and advocates have continued pressing lawmakers in recent weeks to walk back restrictions put in place in a 2014. (See Gongwer Ohio Report, April 12, 2018)

Rep. Fred Strahorn (D-Dayton) on Tuesday introduced his own standalone measure to reduce setbacks (HB 604). His plan joins several other legislative efforts to accomplish that feat, including proposals from Sen. Matt Dolan (SB 238) and Sen. Michael Skindell (SB 184).

The minority leader's proposal would require turbines to be no closer than 1,125 feet from the tip of a turbine to the exterior of the nearest habitable residential structure. Current law, in contrast, measures the distance from the structure's property line.

The measure would also make permanent tax exemptions for tangible personal property of a qualified energy project using renewable energy resources under certain conditions.

Trish Demeter, the Ohio Environmental Council's vice president of energy policy, welcomed the latest attempt.

"I applaud Leader Fred Strahorn for proposing HB604 - a bill which if passed, would pave the way for full scale wind development in Ohio," Ms. Demeter said.

"For too long, Ohioans have missed out on trends towards wind energy due to unnecessarily large setbacks from property lines. Fixing the wind setback issue is critical for further development of wind energy across the state, and bringing Ohio up to speed in the growing clean energy economy."

State Unemployment Drops To Lowest Level In More Than 16 Years

Ohio's unemployment rate dropped a notch to 4.4% in March, maintaining a positive trend of recent months and reflecting the best report since August 2001, according to the Department of Job and Family Services.

The March rate was a drop from 4.5% in February 2018, the agency reported. Total employment increased 10,800 over the month to 5,579,200, and the number of unemployed was down 9,000 to 253,000.

The unemployment total has dropped by 40,000 since March 2017, when the rate was 5.1%, and the state has seen an increased of 54,400 jobs during that period, according to state data compiled in conjunction with the federal Bureau of Labor Statistics.

"Another strong jobs report out today," Gov. John Kasich stated on his Twitter account. His statement was accompanied by a GIF of actor Chuck Norris giving a thumbs-up.

"Since 2011, Ohioans have created 501,000 new private sector jobs, and unemployment is the best it's been since 2001," Mr. Kasich said. "We've come a long way since 2010. Let's keep it going, Ohio!"

Senate President Larry Obhof (R-Medina) said the number of new private jobs reflected an important milestone for the state. The positive news shows the GOP-run legislature's policies are working, he said.

"We work diligently to not only create an environment of possibilities for Ohio's job creators but also to ensure Ohioans from all backgrounds are prepared to take advantage of those opportunities," Sen. Obhof said in a release.

"We've done this through creating a jobs-friendly business environment, developing a jobs-ready workforce and empowering Ohio's small businesses, the backbone of our economy. While this is an important milestone that shows Ohio's policies are working, we have much more to do, and we will continue to build on this progress."

Despite the recent gains, Ohio still lags the nation, as the U.S. unemployment rate for March was 4.1%. That figure was unchanged from February and down from 4.5% in March 2017.

During a month when most sectors saw job gains, the best performers were the private service-providing sector, which added 5,700 positions, as well as trade, transportation, and utilities (+3,400). ODJFS noted the most significant losses in information (-700) and other services (-500).

Agency spokesman Bret Crow said eight industries or sub-sectors experienced record-high employment levels. They are: transportation, warehousing and utilities; finance and insurance; educational and health services; educational services; health care and social assistance; leisure and hospitality; accommodation and food services; and state government.

The March gains in the construction industry, which was up 1,200 jobs, represented the third consecutive month of steady job growth in the sector, which has gained 5,700 jobs over the last year, Mr. Crow said.

In addition, the state versus federal comparison on job growth favored Ohio, as the state added jobs at a rate that was more than double the national rate, or 0.19% versus 0.07%, he said. And the average weekly earnings for Ohioans is up \$3.14 compared to last month and \$28.45 compared to last year, both outperforming the national rate.

"It's an across-the-board positive report with lower unemployment and new job growth that doubled the nation's," Mr. Crow said.

Andrew J. Kidd, senior economist with the Economic Research Center at The Buckeye Institute, said the latest jobs report shows "Ohio's job market is allowing individuals who desire jobs to get jobs."

"However, Ohio has yet to reach the national unemployment rate of 4.1%, he added. "This, as well as a labor force participation rate lower than the national average, shows that Ohio still has work to do. The right reforms, such as closing tax loopholes and removing unnecessary barriers to employment through occupational licensing, would create opportunities for sustained job growth."

"Ohio in 2018 has experienced positive job growth. Yet, another month of an unchanged labor force participation rate once again implies that some individuals are still not searching for jobs," Mr. Kidd added.

Hannah Halbert, researcher with Policy Matters Ohio, said the state has gained more jobs in the first three months of 2018 than in all of 2017.

"While labor force participation suggests there is still room for improvement, Ohio's labor market is finally tightening," she said. "Even so, many jobs pay too little and offer too-few hours, making it nearly impossible to afford basics like food and health care without

public support. Raising the minimum wage, restoring the 40-hour work week, and supporting paid leave would make the most of this tighter labor market and help rebuild a path to the middle class."

Ms. Halbert said Ohio continues to underperform the nation's 12-month rate for job growth and has "vastly underperformed" the rest of the U.S. since the 2005 tax overhaul was enacted.

"Ohio is not out of the woods. A bad month or two could erase this streak and more months of solid growth are needed to take up the remaining slack in our labor market," she said.

Senator Backing Medical Marijuana Audit Bill Supports Review By Commerce Department

A senator who sponsored legislation to require an audit of the medical marijuana licensing process said he's supportive of efforts by the Department of Commerce to perform its own review.

Sen. Bill Coley (R-Liberty Twp.) introduced a proposal (SB 264) in February to require a state auditor investigation of DOC's awarding of provisional licenses for medical marijuana growers, including a set timeframe for the review and the awarding of certificates of operation.

It was intended to remove any clouds of suspicion or impropriety from the licensing process, the sponsor said. (See Gongwer Ohio Report, February 22, 2018)

That measure had its first hearing this week in the Senate Health, Human Services & Medicaid Committee. (See Gongwer Ohio Report, April 17, 2018)

Since February, DOC and other agencies involved in the medical marijuana program have worked to tamp down expectations for the initiative's Sept. 8 go-live date, saying it's unlikely all license recipients will be operational by then. (See Gongwer Ohio Report, April 5, 2018)

The agency worked with an attorney general-appointed special counsel to hire a third-party auditor to review the scoring and find possible improvements. The department reported Friday that Ernst & Young was retained for the work, which does not have a set deadline for completion but is expected to take "a matter of weeks" to finish.

Sen. Coley complimented the department on that effort and said the goal of his legislation is simply to ensure the state has a fair process.

"You could easily argue that they're already doing those things," he said in an interview. "I want to make sure it gets done and it gets followed through."

He encouraged the department to work with the auditor's office to ensure the process is thoroughly reviewed.

"I support Commerce going through and looking at the whole thing, re-scoring if necessary and awarding additional licenses if warranted," he said. "I think that's all a good thing and it would be for the benefit of all patients and the state of Ohio."

Sen. Coley said he's confident the department will correct any issues.

"I think they realize that some mistakes were made and they want to correct them," he said.

DOC will go before the Controlling Board Monday to request more than \$5 million for staffing, legal costs and other expenses for the medical marijuana program. (See Gongwer Ohio Report, April 16, 2018)

High Court To Hear Traffic Camera Case

The battle over automated traffic cameras will continue next week with the latest front being the Ohio Supreme Court.

The city of Toledo and the state are at odds over a previous budget (HB64, 131st General Assembly) provision that allows the state to reduce Local Government Fund distributions for non-compliance with traffic camera restrictions (SB342, 130th General Assembly), some of which were struck down by the high court. (See Gongwer Ohio Report, July 26, 2017)

Ten days prior to the traffic camera restrictions becoming law, the city asked for and received an injunction from the Lucas County Common Pleas Court, the high court reported.

Lawmakers then passed the biennial budget containing the LGF reduction provisions. The city again asked for and received an injunction from the trial court, which found the state would be in contempt if it withheld funding from cities based on non-compliance with a law found to be unconstitutional.

The Sixth District Court of Appeals upheld the ruling, leading to the state appeal to the high court, where it argues the budget provision is a reporting requirement and a formula for discretionary spending. (Docket)

"Toledo has no 'home rule' right to receive money from the General Assembly," the state writes in a brief. "It is not 'losing' money that it has, but rather choosing to give up money in order to run its traffic-camera program as it sees fit."

The state also contends that the city should have been required to file a separate lawsuit in the matter and that the injunction is a violation of separation of powers.

"The Sixth District's holding invades the legislative power and exceeds the judicial power because courts do not have roving license to enjoin legislation," the state argues. "Courts must instead draw the power to block legislation from specific constitutional prohibitions."

The city, however, claims that lawmakers are seeking to coerce compliance with unconstitutional laws.

It also argues that the state is the guilty party when it comes to the violation of separation of powers.

"If the General Assembly could simply ignore the judicial branch any time legislation is struck by withholding funds to those entities that do not comply with the unconstitutional legislative acts, then there is no separation of powers because the legislature would reign supreme," the city writes in its brief.

"This type of legislation is not a 'new' law that merits a separate lawsuit and separate constitutional analysis, but moreover an affront to the authority of the judiciary. The Penalty Provisions try to avoid judicial control by reenacting unconstitutional laws."

The case is slated for oral arguments as another measure (HB 410) authored by the primary sponsor of the 2014 law works its way through the General Assembly.

Rep. Bill Seitz's (R-Cincinnati) legislation would eliminate the use of administrative hearings when a civil citation is issued for a traffic violation recorded by a photo-monitoring device and require local governments that use traffic-monitoring devices to annually file a report with the tax commissioner detailing how much revenue is generated from their use which will then be subtracted from the LGF distribution.

The court will hear three other cases next week:

- In *State v. Dunson*, a Montgomery County man convicted of murder and aggravated robbery will ask the justices to set aside \$6,199 in court costs.
- The court in *East Manufacturing v. Testa* will determine if a Portage County company is eligible for a use tax exemption for the purchase of natural gas it uses to heat six buildings where aluminum truck trailers are constructed.
- A bank will argue that despite federal rules requiring a face-to-face meeting with a borrower after three missed mortgage payments prior to proceeding with a foreclosure it should be allowed to move forward because the meeting occurred during court-ordered mediation after the second attempt to foreclose in the case of *Wells Fargo Bank v. Burd*.

Candidates Stress Experience In House District 26 Primary

A Columbus City School Board member and a law clerk with a background in youth advocacy each say their breadth of experience make them the ideal candidates for the 26th House District.

The Democrat-leaning district is currently represented by Rep. Hearcel Craig (D-Columbus), whose bid for the Senate is opening the path for a new face. Michael Cole, 45, and Erica Crawley, 37, are both working to secure the Democratic nomination, after which the victor will likely face Republican Shareeqe Sadiq in November.

Mr. Cole said he has a track record of "having gotten things done in the most tough circumstances" thanks to his two terms on the school board.

"It's one thing when the whole deck's lined up for you and you're accomplishing some things of the work and will of people," he said. "It's another to have every kind of almost insurmountable obstacle against you whether it's state, federal, local discontent for something and still move the needle of achievement."

Ms. Crawley, while touting her own experience, credits her desire to enter public office to her great aunt who in 2007, shortly before her death, asked her during a conversation on political leaders, "Why not you?"

"She was never elected, never interested in politics per se, but she gave her time," Ms. Crawley said. "She spent a lot of time with the church, with homeless families. She never met an enemy. People loved my aunt and she loved people. I would hope she would be proud of me if I could be half the woman she was and make the impact she made."

Mr. Cole is originally from Cleveland but first came to Columbus as a student at Ohio State University. "This city kind of had me at hello," he said.

He picked up a master's degree in communication at Seton Hall University and then chose to return to Columbus where he sought out service opportunities including a five-year stint as area commissioner in Westgate.

"The opportunity and potential that this city offers I think is tremendous," Mr. Cole said. "I think it was almost a spiritual calling to end up in this city."

He said he worked on neighborhood safety and beautification issues, before segueing into politics and hosting a public affairs radio show. He was first elected to the school board in 2013 and reelected last year. He's currently vice president of the board, which is dominated by Democrats.

"I came with the mindset of working to ensure and strengthen accountability, curriculum, transparency and safety in the district," Mr. Cole said. "I'm committed to bringing that same mindset to the Statehouse."

Even though it contains solely Democrats, he said, the school board has taught him valuable lessons.

"Even if everyone's on the same page from the politics standpoint everyone brings different points of view, skills, knowledge and attitude," Mr. Cole said. "Working among a body politic making decisions and brokering decisions...on matters that effect people is something I've tremendously learned from this experience."

Ms. Crawley is also a transplant, hailing originally from Youngstown. She spent 2000-2003 serving in the United States Navy in Virginia. After giving birth to twin girls - Hope and Faith, who are now 13 - she moved to Cleveland where she finished her college degree in criminology with a focus on juvenile delinquency.

Next was a stint in Atlanta where she received her masters and had an array of jobs centered on supporting youth including work for the Black Child Development Institute and the Court Appointed Special Advocate program.

She returned to Columbus where she attended Capital University Law School, graduating in 2017 with a concentration in civil litigation. Following that, she clerked for Honda North America and since 2016 has clerked for Eastman and Smith's Columbus office.

Both candidates list education as a central plank of their platforms. For Ms. Crawley that means ensuring equal access to quality education.

"I am an advocate for universal Pre-K," she said. "But also making sure all of our children have the same opportunities. Addressing school funding and school resources definitely plays a part."

She said she also wants to expand trade school options for young students and to focus on economic development.

"Especially in the 26th District there is disinvestment and underinvestment in that community," she said. "I would love to focus on micro-business and small businesses and making sure my neighbors have access to those resources."

She added she'd press for equal access in other areas, such as healthcare, including addiction and mental health support services.

"With that, making sure our aging population has the services they need," Ms. Crawley added. "There are a lot of grandparents taking care of their grandchildren and they don't have the resources necessary to do that effectively."

On the education front, Mr. Cole said he wants to restore consistency, including possibly by requiring five-year curriculum plans. He likened his experience on the board to being Harry Houdini locked in a box with the key inside as he's thrown over Niagara Falls.